JOURNAL

OF THE

House of Representatives

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION OF 1952

VOL. I

Held in the State Capitol, in the Capital City of Kentucky, at Frankfort, in the Year of Our Lord 1952 and in the One Hundred and Fifty-Sixth Year of the Commonwealth

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Begun on the Eighth Day of January, 1952, and Adjourned Sine Die on the Twenty-First Day of March, 1952

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REGULAR SESSION, 1952

TUESDAY, JANUARY 8, 1952

At a General Assembly of the Commonwealth of Kentucky, begun and held at the Capitol, in the City of Frankfort, on Tuesday, January 8, in the year of Our Lord, one thousand nine hundred and fifty-two and the one hundred and sixtieth year of the Commonwealth, that being the day fixed by the Constitution for the meeting thereof, the Honorable J. Ervin Sanders, Chief Clerk of the House of Representatives during the session of the General Assembly last passed, called the House to order.

The House was opened with prayer by the Reverend Fred T. Moffett, pastor of the First Baptist Church of Frankfort, Kentucky.

Thereupon, J. Ervin Sanders, Chief Clerk of the House during the session of the General Assembly last past, and now presiding, produced and had Acting Clerk, Elesteen Hager read the following certification from the Secretary of State, viz:

I, Charles K. O'Connell, Secretary of State of the Commonwealth of Kentucky, do hereby certify that the attached is a true and correct copy of the duly elected membership of the House of Representatives of the Commonwealth of Kentucky according to the records of this office and to the best of my knowledge and belief.

HOUSE OF REPRESENTATIVES (complete membership)
Elected November, 1951

Dist. No.	*Counties In District*	*Name*	*Address*	*Party*
1.	Fulton, Hickman	Jennings Kearby,	Crutchfield	D.
2.	Carlisle, Ballard	Ewin C. Neville	Arlington	D.
3.	Graves	Tipton Reed	Mayfield	D.
4.	McCracken	Charles Burnley	Paducah	D.
5.	McCracken	Fred H. Morgan	Paducah	D.
6.	Marshall, Lyon	Shelby McCallum	Benton	D.
7.	Calloway	Owen Billington	Murray	D.
8.	Caldwell, Trigg	William L. Jones	Princeton	D.
9.	Christian	Ed. T. Breathitt	Hopkinsville	D.
10.	Hopkins	Thomas D. Hewlett	Madisonville	D.
11.	Livingston, Crittenden	George F. Harris	Salem	D.
12.	Union	William Thomas Wathen	Morganfield	D.
13.	Webster, McLean	Garrett L. Withers	Dixon	D.
14.	Henderson	Thomas R. Duncan	Henderson	D.
15.	Daviess	William Maglinger	Owensboro	D.
16.	Daviess	John Head	Owensboro RR,	D.
17.	Muhlenberg	Harold Edwards	Depoy	D.
18.	Ohio, Hancock	Clem Schroader	Beaver Dam	R.
19.	Todd	L. M. Weathers	Elkton	D.
20.	Logan	Mrs. J. T. Linton	Russellville	D.

Dist. No.	*Counties In District*	*Name*	*Address*	*Party*
21.	Simpson, Allen	John Rhea Banton	Franklin	D.
22.	Warren	Tom Mobley	Bowling Green	D.
23.	Butler, Edmonson	Walter J. Chyle, Jr.	Morgantown	R.
24.	Grayson	Albert Thomason	Leitchfield	R.
25.	Hardin	Paul M. Lewis	Cecilia	D.
26.	Breckinridge, Meade	Walter R. Moorman	Glen Dean	D.
27.	Barren	Marion Vance	Glasgow	D.
28.	Monroe, Metcalfe	J. F. Robinson	Mount Hermon	R.
29.	Green, Adair	Egbert V. Taylor	Greensburg	R.
30.	Taylor, Marion	W. W. Webster	Mac	D.
31.	Hart, Larue	C. E. Dowell	Horse Cave	D.
32.	Nelson, Anderson	G. Lee McClain	Bardstown	D.
33.	Spencer, Bullitt	J. B. Veech	Taylorsville	D.
34.	Jefferson	Henry R. Heyburn	Louisville	R.
35.	Jefferson	William P. Friedlander	Buechel	D.
36.	Jefferson	Chester J. Holsclaw	Louisville	D.
37.	Jefferson	Edward O. Bridgers	Louisville	D.
38.	Jefferson	Mrs. Thelma L. Stovall	Louisville	D.
39.	Jefferson	Sidney Baer	Louisville	D.

Dist. No.	*Counties In District*	*Name*	*Address*	*Party*
40.	Jefferson	Clarence J. Barnum	Louisville	D.
41.	Jefferson	E. A. Spencer	Louisville	R.
42.	Jefferson	Jesse H. Lawrence	Louisville	R.
43.	Jefferson	Thomas J. Murphy	Louisville	D.
44.	Jefferson	Eulick (Mike) Walsh	Louisville	D.
45.	Mercer, Washington	W. A. (Pete) Wickliffe	Harrodsburg	D.
46.	Garrard, Boyle	Cecil Sanders	Lancaster	D.
47.	Madison	R. Josh Cosby	Richmond	D.
48.	Jessamine, Woodford	Robert H. Moore	Nicholasville	D.
49.	Fayette	Bart N. Peak	Lexington	D.
50.	Fayette	Mrs. Mary Elizabeth Burnett	Lexington	D.
51.	Franklin	William M. Horn	Frankfort	D.
52.	Shelby	Dr. B. F. Shields	Shelbyville	D.
53.	Trimble, Oldham	J. C. Bradley	Bedford	D.
54.	Boone, Gallatin	Joe Rouse	Verona	D.
55.	Grant, Owen	William F. Threlkeld	Williamstown	D.
56.	Scott, Harrison	William K. Henry	Georgetown	D.
57.	Henry, Carroll	Louis T. Peniston	Turner's Station	D.
58.	Kenton	Carl J. Ruh	South Fort Mitchell	D.

Dist. No.	*Counties In District*	*Name*	*Address*	*Party*
59.	Kenton	Paul S. Jonas	Covington	D.
60.	Kenton	James A. Dressman, Jr.	Covington	D.
61.	Kenton	Gus F. Sheehan, Jr.,	Covington	D.
62.	Campbell	Charles W. Wirsch	Fort Thomas	R.
63.	Campbell	Morris Weintraub	Newport	D.
64.	Bracken, Pendleton	Eugene B. Hancock	Foster	D.
65.	Mason	Alex H. Calvert	May's Lick	D.
66.	Fleming, Robertson	Herbert Fern	Cowan	D.
67.	Bourbon, Nicholas	William W. Blanton	Paris	D.
68.	Clark	Walker H. Wiseman	Winchester	D.
69.	Menifee, Montgomery	Hicks Wells	Frenchburg	D.
70.	Rowan, Bath	Russell L. Meadows	Morehead	D.
71.	Lewis	Hobart Rayburn	Emerson	R.
72.	Greenup	E. R. Hilton	Raceland	D.
73.	Carter	R. O. Blevins	Olive Hill	R.
74.	Magoffin, Knott	Ray Holbrook	Salyersville	D.
75.	Morgan, Wolfe	Earl F. Murphy	West Liberty	D.
76.	Breathitt, Lee	J. Everett Bach	Jackson	D.

Dist. No.	Counties In District	Name	Address	Party
77.	Powell, Estill	Charles M. Crowe	Stanton	R.
78.	Jackson, Owsley	R. L. Dunigan	Gray Hawk	R.
79.	Rockcastle	James W. Lambert	Mt. Vernon	R.
80.	Lincoln	Marvin A. Cornett	Stanford	R.
81.	Casey, Russell	Lewis W. Combest	Liberty	R.
82.	Clinton, Cumberland	John A. Sloan	Albany	R.
83.	Wayne, McCreary	J. C. Denney, Jr.	Monticello	R.
84.	Pulaski	Leslie Gay	Somerset	R.
85.	Whitley	Jack Early	Corbin	R.
86.	Laurel	Roscoe Estep	London	R.
87.	Knox	Charles M. Greene	Corbin	R.
88.	Bell	Farmer Helton	Pineville	R.
89.	Harlan	Henry J. Giles	Harlan	D.
90.	Harlan	Earl Rogers	Loyall	R.
91.	Clay, Leslie	Thomas L. Britton	Oneida	R.
92.	Letcher	Bill Adams	Isom	R.
93.	Perry	William Engle	Hazard	D.
94.	Pike	Dr. John Adkins, Jr.,	Pikeville	D.
95.	Pike	Amos Runyan	Belfry	D.
96.	Floyd	Henry C. Hale	Blue River	D.
97.	Floyd	E. H. (Ted) Stumbo	Harold	D.
98.	Johnson, Martin	Henry Arrowood	Paintsville	R.

Dist. No.	*Counties In District*	*Name*	*Address*	*Party*
99.	Lawrence, Elliott	William B. Wells	Louisa	D.
100.	Boyd	Harry King Lowman	Catlettsburg	D.

Given under my hand and seal of office this the eighth day of January, 1952.

CHARLES K. O'CONNELL

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	R. L. Dunigan	James W. Lambert
Dr. John Adkins, Jr.	Jack Early	Jesse H. Lawrence
Henry Arrowood	Harold Edwards	Paul M. Lewis
J. Everett Bach	William Engle	Mrs. J. T. Linton
Sidney Baer	Roscoe Estep	Harry King Lowman
John Rhea Banton	Herbert Fern	William Maglinger
Clarence J. Barnum	Wm. P. Friedlander	Shelby McCallum
Owen Billington	Leslie Gay	G. Lee McClain
William W. Blanton	Henry J. Giles	Russell L. Meadows
R. O. Blevins	Charles M. Greene	Tom Mobley
J. C. Bradley	Henry C. Hale	Robert H. Moore
Ed. T. Breathitt	Eugene B. Hancock	Walter R. Moorman
Edward O. Bridgers	George F. Harris	Fred H. Morgan
Thomas L. Britton	John Head	Earl F. Murphy
Mrs. Mary E. Burnete	Farmer Helton	Thomas J. Murphy
Alex H. Calvert	William K. Henry	Ewin C. Neville
Walter J. Chyle, Jr.	Thomas D. Hewlett	Bart N. Peak
Lewis W. Combest	Henry R. Heyburn	Louis T. Peniston
Marvin A. Cornett	E. R. Hilton	Hobart Rayburn
R. Josh Cosby	Ray Holbrook	Tipton Reed
Charles M. Crowe	Chester J. Holsclaw	J. F. Robinson
J. C. Denny, Jr.	William M. Horn	Earl Rogers
C. E. Dowell	Paul S. Jonas	Joe Rouse
James A. Dressman, Jr.	William L. Jones	Carl J. Ruh
Thomas R. Duncan	Jennings Kearby	Amos Runyon

Cecil Sanders	William F. Threlkeld	Hicks Wells
Gus F. Sheehan, Jr.	Marion Vance	William B. Wells
Dr. B. F. Shields	J. B. Veech	W.A.(Pete)Wickliffe
John A. Sloan	Eulick (Mike) Walsh	Charles W. Wirsch
E. A. Spencer	Wm. Thos. Wathen	Walker H. Wiseman
Mrs. Thelma Stovall	L. M. Weathers	Garrett L. Withers
E. H. (Ted) Stumbo	W. W. Webster	Charles W. Burnley,
Egbert V. Taylor	Morris Weintraub	Speaker
Albert Thomason		—99

Thereupon the oath of office as required by the Constitution was then administered to each and all of said members by the Honorable James W. Cammack, Judge of the Court of Appeals.

The Chief Clerk then announced that the election of the Speaker of the House of Representatives was in order.

Mr. Fred H. Morgan named the Honorable Charles W. Burnley of the County of McCracken as a suitable person to fill said office.

Said nomination was duly seconded by Mr. Calvert and Mr. Duncan.

John A. Sloan named the Honorable James W. Lambert of the County of Rockcastle as a suitable person to fill said office.

Said nomination was duly seconded by Jack Early, and Hobart Rayburn.

There being no further nominations for the office of Speaker of the House of Representatives, the vote being taken thereon resulted as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Edward O. Bridgers	Herbert Fern
J. Everett Bach	Mrs. Mary E. Burnete	Wm. P. Friedlander
Sidney Baer	Alex H. Calvert	Henry J. Giles
John Rhea Banton	R. Josh Cosby	Henry C. Hale
Clarence J. Barnum	C. E. Dowell	Eugene B. Hancock
Owen Billington	James A. Dressman, Jr.	George F. Harris
William W. Blanton	Thomas R. Duncan	John Head
J. C. Bradley	Harold Edwards	William K. Henry
Ed. T. Breathitt	William Engle	Thomas D. Hewlett

E. R. Hilton	Robert H. Moore	Mrs. Thelma Stovall
Ray Holbrook	Walter R. Moorman	E. H. (Ted) Stumbo
Chester J. Holsclaw	Fred H. Morgan	William F. Threlkeld
William M. Horn	Earl F. Murphy	Marion Vance
Paul S. Jonas	Thomas J. Murphy	J. B. Veech
William L. Jones	Ewin C. Neville	Eulick (Mike) Walsh
Jennings Kearby	Bart N. Peak	Wm. Thos. Wathen
James W. Lambert	Louis T. Peniston	L. M. Weathers
Paul M. Lewis	Tipton Reed	W. W. Webster
Mrs. J. T. Linton	Joe Rouse	Morris Weintraub
Harry King Lowman	Carl J. Ruh	Hicks Wells
William Maglinger	Amos Runyon	William B. Wells
Shelby McCallum	Cecil Sanders	W.A.(Pete)Wickliffe
G. Lee McClain	Gus F. Sheehan, Jr.	Walker H. Wiseman
Russell L. Meadows	Dr. B. F. Shields	Garrett L. Withers
Tom Mobley		

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Those who voted in the negative were—

Bill Adams	R. L. Dunigan	J. F. Robinson
Henry Arrowood	Jack Early	Earl Rogers
R. O. Blevins	Roscoe Estep	Clem Schroader
Thomas L. Britton	Leslie Gay	John A. Sloan
Walter J. Chyle, Jr.	Charles M. Greene	E. A. Spencer
Lewis W. Combest	Farmer Helton	Egbert V. Taylor
Marvin A. Cornett	Henry R. Heyburn	Albert Thomason
Charles M. Crowe	Jesse H. Lawrence	Charles W. Wirsch
J. C. Denny, Jr.	Hobart Rayburn	Charles W. Burnley

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The Honorable Charles W. Burnley having received a majority of the votes cast, a majority of all the members elected being present and voting, was declared bv the Chief Clerk to be duly elected Speaker of the House of Representatives.

The Chief Clerk appointed Mr. Fred Morgan, John Head, Edward Bridgers, Willie Webster, Paul S. Jonas, Robert H. Moore, William B. Wells, Egbert V. Taylor and Ray Holbrook, as a committee to inform the Speaker of the action of the House and to escort him to the Chair.

After a time the Committee aforesaid accompanied the Honorable Charles W. Burnley onto the floor of the House where, having taken his place at the Speaker's desk, expressed his appre-

ciation for the honor conferred upon him and announced that he was now ready to take the oath of office, which oath was administered by the Honorable Brady M. Stewart, Judge of the Court of Appeals.

The Speaker then announced that the next order of business was the election of a Chief Clerk of the House and minor offices to be filled by the House, in accordance with the Constitution.

Thereupon, Mr. Harry King Lowman named J. Ervin Sanders of Pike County as a suitable person for the office of Chief Clerk of the House; and the other constitutional employees: Assistant Clerk, Elesteen Hager, Enrolling Clerk, Minnie Yessin, Sgt.-at-Arms, Damon Majors, Door Keeper, Pres Blackburn, Janitor, Frank Sweazy, Cloak Room Keeper, Ben Graham and John Kinsella, Pages, Bill Bailey, Tobey Fannin, Annie Green and Miss Hewlett.

There being no further nominations for said offices, the Speaker directed the Chief Clerk of the House to cast one vote on behalf of the entire House, for all those parties above named to fill the offices set opposite their names.

Without objection, the Chief Clerk, having cast one vote for the entire House as above directed, declared said parties duly elected to said offices.

Thereupon all of the said officers above named, who were present in the House, appeared before the bar of the House and took the oath of the office as required by the Constitution and laws of Kentucky, which oath was administered by the Honorable Brady M. Stewart, Judge of the Court of Appeals.

Mr. Harry K. Lowman moved that the following rules be adopted for the 1952 Regular Session of the House of Representatives as follows:

RULES OF THE HOUSE

1952 Session

Section 1. The House shall meet at 1 P. M., except on Monday, when it shall meet at 8:00 P. M. The official time of

the House shall be governed by the House clock over the main entrance.

Whenever the word House is used in the following rules, it shall mean the House of Representatives of the Commonwealth of Kentucky.

Section 2. If the Speaker is to be absent from the House, he shall have the right to name any member to perform the duties of the chair, but such Speaker Pro Tem, shall not be empowered to act beyond a period of (5) five days, and each such designation shall be in writing filed with the Clerk of the House.

Section 3. If a quorum be not present at the time fixed for a meeting of the House, five Members may adjourn or recess from day to day or from time to time in any day when a quorum is not present, and fifteen Members may order a call of the House and send for absent Members. No Member shall absent himself from a session of the House without leave from the House.

All pairs announced in the House shall be entered on the Journal.

The names of Members shall be arranged alphabetically upon the roll call or when taking a yea and nay vote.

Any Member, with a second, may demand a roll call on any matter pending before the House.

Section 4. Upon a call of the House the roll shall be called by the Clerk, and the absentees noted. The absentees shall then be called again. The doors of the House Chamber shall then be closed and the absentees for whom no sufficient excuse is made, by order of a majority of those present, may be sent for and arrested wherever they may be found by the Sergeant-at-Arms or his assistants, and their attendance secured and retained; and the House shall determine upon what conditions they shall be discharged from arrest. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the floor of the House and they shall report their names to the Clerk to be entered upon the Journal as present.

Section 5. No person shall be permitted upon the floor of the House when in session except the Governor, his secretary,

the present members of the Senate and the Clerks thereof, and any members of the family of the Governor and of the Presiding Officer of the House, or of any Representative, or of the Governor's Private Secretary, and all officers and employees of the House, and Judges and Commissioners of the Court of Appeals; bona fide newspaper correspondents, designated in writing by the daily newspapers or press service they represent, shall be admitted to the privileges of the floor when recommended by the Committee on Committees. Such newspaper correspondents, when admitted to the privileges of the floor, shall be governed by the rules of the House. Accredited newspaper correspondents shall be assigned by the Speaker of the House to a press section specifically set aside for them by the order of the Speaker of the House. Provided that any one person may be extended the privilege of the floor upon invitation previously extended such person by a majority vote of the members of the House, but such privilege shall be extended only for a specified day and no other.

No person who shall have been extended the privilege of the floor for a specific time, as herein provided, shall engage in any activities for or against any bill, motion or other proceeding upon the floor of the House while in session. No privilege of the floor shall be granted to any registered lobbyist or legislative agent or to any unregistered lobbyist or legislative agent if the same be known by the House, and it shall be the duty of any Member having such knowledege to bring it to the attention of the House.

No person shall engage in lobbying for or against any measure while the House is in session, or in recess, in any of the corridors or passages or in any of the rooms in that part of the Capitol assigned to the use of the House, and no registered lobbyist shall enter into any of the rooms assigned to the use of the House while the House is in session, or remain in the corridors or passages on the third floor of the Capitol assigned to the use of the House. Provided, however, this rule shall not be construed to prohibit the use of the corridors or passages in going to and from the House galleries by any person.

It shall be the duty of the Sergeant-at-Arms and the Doorkeeper of the House to exclude all persons not entitled to the floor of the House Chamber. If, however, other persons find

their way to the floor, it shall be the duty of the Sergeant-at-Arms to remove them. At least five minutes before the hour of convening each day the Sergeant-at-Arms shall clear the floor of the House Chamber of all persons not entitled to the floor and he shall make announcement in a loud, distinct voice: "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." He shall then compel each and every person then in the House Chamber who is not entitled to remain therein to leave the House Chamber.

Section 6. In the event of any disorder in the gallery or in the House Chamber, the Speaker shall have power to have same repressed. He may require the Sergeant-at-Arms or other officers or employees of the House to clear the gallery or to remove from the gallery or the House Chamber any persons creating disturbances or disorders or who may not be entitled to the privileges of the floor of the House.

Section 7. All the employees of the House, except the assistants to the Clerk, shall, each legislative day one hour before the meeting of the House for that day, report to the Sergeant-at-Arms of the House, who shall, in turn, report to the Committee on Committees of the House whether or not all of said employees are on duty; and the Committee on Committees of the House whenever it deems it necessary, shall report to the House any dereliction of duty. No employee of or person elected by the House shall receive any fee, tip or compensation from any Member. Any violation of this rule shall be ground for dismissal of said employee.

DUTIES OF THE SPEAKER

Section 8. The Speaker of the House shall take the chair every day precisely at the hour fixed for the meeting of the House, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read, provided the reading of the same is not dispensed with by the House.

He shall preserve decorum and order, and, while presiding, may speak to points of order in preference to Members. He shall decide points of order and manner of procedure; but any decision made by him shall be subject to appeal to the House.

Every such appeal shall be in writing, and signed by at least two Members.

During the pendency of an appeal to the House from a decision of the chair, the Speaker of the House, or the officer from whose decision the appeal is taken, shall vacate the chair, and call the Majority Caucus Chairman to preside during the appeal.

Section 9. All writs, warrants, subpoenas or other processes shall be signed by the officer who may be presiding over the House when such paper is issued; and his signature to said paper shall be attested by the Clerk, when ordered by a majority of the Members.

Section 10. Members shall vote only when at their seats or when visibly approaching it. If the Speaker be in doubt as to the result of a viva voce, or a division be demanded, the House shall divide.

Those voting in the affirmative shall first rise and be counted. After the Speaker has announced the number of those voting, those voting in the negative shall rise and be counted and the number so voting shall be annuonced by the Speaker. He may appoint tellers to count those voting.

Section 11. If any Member, in speech or otherwise, transgresses the rules of order or decorum or becomes offensive to the chair, or to any member, he shall immediately be called to order by the chair either with or without motion or suggestion from a Member, and he shall immediately take his seat.

The objectionable words shall be reduced to writing by the Clerk, who shall then read them to the House. The Speaker, after hearing a short explanation from the alleged offender, or upon the withdrawal of the objectionable language, may permit the one offending to proceed, or he may compel continued silence upon the one so offending until the matter under consideration is disposed of. The ruling of the chair, whatever it may be, shall be subject to an appeal to the House. A Member offending in this respect shall be liable to the censure of the House.

No Member shall designate another Member by name.

Section 12. If two or more Members arise from their respective seats and address the chair (nearly together), the Speaker shall determine who was first and recognize him, but no Member may speak more than once to the same subject until all the Members desiring to be heard have spoken. Nothing in this rule shall, however, do away with the "previous question" if then in effect. Neither shall it permit debate on an undebatable motion.

No member shall speak more than thirty minutes in the aggregate on any question or measure, at the end of which period, or any portion thereof, the floor shall be returned to the Speaker.

Section 13. No Member shall vote on any question in the result of which he is personally or privately interested.

CLERK OF THE HOUSE

Section 14. The Clerk shall make all reports to the Senate, unless otherwise ordered.

Section 15. Each day, half an hour before the time fixed for the meeting of the House, the Clerk or one of his assistants shall be present at the Clerk's desk with the minutes of the preceding session for the inspection of any member of the House.

Section 16. All questions of order, together with the disposition of the same, shall be noted by the Clerk upon the Journal.

The Chief Clerk of the House shall, on the last day of the session of the General Assembly, file with the House an itemized statement of the expenditures made by him.

Clerk To Have Charge of Clerical Business of House.—The Clerk shall have charge and supervision of all the clerical business of the House. He shall perform the duties imposed on him by law and the rules of the House. He shall have charge of the Clerk's desk and shall see that no one is permitted therein except himself and those assisting him.

Duties of Clerk.—It shall be the Clerk's duty to read to the House papers ordered to be read; to call the roll and note and report the absentees when a call of the House is ordered; to call the roll and note the answers of members when a question is taken by yeas and nays; to assist, under the direction of the Speaker of the House, in taking the count when any vote of the House is taken; to notify committees of their appointment and the business referred to them; to superintend the execution of all printing ordered by the House and report to the Speaker of the House, to be submitted to the House, every failure of the printer to execute the same properly and promptly. He shall attest all writs, warrants and subpoenas issued by order of the House, and shall certify to the passage of all bills, and to the adoption of all joint and concurrent resolutions by the Legislature. In addition to his other duties, the Clerk shall keep the accounts for pay and mileage of members, officers and attaches, and for printing and other contingent expenses of the House, and prepare and sign warrants or requisitions for the same.

The Clerk shall superintend the recording of the Journal of the proceedings, and engrossing and enrolling of bills, and shall cause to be kept and prepared for the printer the Daily Journal of the proceedings of the House.

Clerk To Have Custody Of All Records.—The Clerk shall have the custody of all records and papers of the House, and shall not allow them to be taken from the table or out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they may have been referred, and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference.

Clerk To Have Charge Of All Printing.—The Clerk shall have supervision and charge of all printing done for the House and the public printer shall print only such documents and other matter as the Clerk authorizes.

The Bill Clerk of the House shall, upon receipt of any printed bill from the public printer, take the same immediately

to the Clerk's office and there procure the second copy of the bill introduced by which to proof read the same; and, upon finding any typographical error, shall return the printed bills to the public printer with his signed statement "Acceptance refused by reason of typographical error."

ORDER OF BUSINESS

Section 17. The order of business shall be as follows:

1. Invocation.
2. Roll Call.
3. Motions for privilege of the floor.
4. Reading and approval of the Journal.
5. Petitions and Communications.
6. Motions.
7. House Resolutions.
8. Joint Resolutions.
9. Introduction of Bills.
10. Reports of Special Committees.
11. Reports of Standing Committees.
12. First Reading of Bills.
13. Second Reading of Bills.
14. Orders of the Day.
15. Reference of Bills to Committees.

Section 18. A petition, memorial or other paper addressed to the House or the Legislature may be laid before the House by the Speaker or a Member to whom the same was sent for presentation and a brief statement may be made by the one presenting the same.

Section 19. Unfinished business which was being considered upon the last adjournment shall have precedence in that

class of business to which it properly belongs upon the next succeeding legislative day.

Section 20. In forming a Committee of the Whole, the Speaker shall preside as Chairman.

Section 21. Upon a bill's being committed to the Committee of the Whole, the same shall be first read through by the Clerk (unless otherwise ordered by a majority), and then again read for amendments by clauses or sections, leaving the title to be last considered. After report, the bill shall then again be read, if desired by a majority, for amendment or debate.

Section 22. The body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper and so reported to the House, as the same shall have been agreed to, and the same shall be considered in the House in the order in which they were adopted in committee; and all amendments made in committee to an original motion shall be incorporated with the motion and so reported, and the above rule shall apply to all other subjects in Committee of the Whole as well as bills.

Section 23. Nothing shall be introduced or offered in Committee of the Whole except it relates to the matter under consideration.

BILLS

Section 24. Bills To Be Presented In Quadruplicate.—All Bills shall be introduced in quadruplicate and all copies shall be signed by the member introducing the same. They shall be typewritten, with one original and three distinctly legible copies. The original copy shall be the official bill. The second copy shall be used for printing and committees. The third copy shall be for the use of and accommodation of the press and shall be kept in the office of the Clerk of the House in some convenient place for this purpose. All copies shall be backed with a protective cover. The title of the bill, or a portion thereof, shall be placed on the top quarter of the back of each bill, and the name of the sponsor shall be signed at the bottom of each back.

Section 25. Resolutions having the force and effect of law shall be, in all respects, treated and considered as bills under these rules.

Printing of Bills.—The Clerk is ordered to have printed 200 copies of each bill or resolution carrying the force and effect of law introduced in the House and of each bill or resolution carrying the force and effect of law acted on by the Senate and reported to the House.

Section 26. Bills originating in the House shall be introduced in open session and each shall be read by its title. The bill shall then be referred to a committee and be printed for the use of the members.

If a bill be reported unfavorably, or without expression of opinion, a vote may then be taken whether it shall be read at length and be placed on the calendar. Provided, however, that shall not be done unless a majority of the members elected to the House shall concur therein. When reported favorably by the committee, the bill shall then be given its first reading at length and shall be placed by the Clerk upon the calendar to be kept by him, and so remain on the calendar till the next succeeding legislative day. Said bill shall then be entitled to its second reading.

The Clerk shall keep a calendar showing such bills as are entitled to their second reading each day, distinguishing between House and Senate bills. Whenever a committee fails or refuses to report within a reasonable time a bill submitted to it, the same may be called up by any member and be considered as if it had been regularly reported. Provided, however, that no bill may be called from any committee without the concurrence of a majority of members elected to the House.

Every bill shall be read at length on three different legislative days; but the second and third readings thereof at length may be dispensed with at the instance of a majority of all the members elected to the House, and the bill may then be read by its title. No bill shall become a law unless on its final passage it receives votes of at least two-fifths of the members elected to the House and a majority of the members present and voting

taken by yeas and nays entered on the Journal; provided any act or resolution for the appropriation of money or the creation of a debt shall, on its final passage, receive the votes of a majority of all the members elected to the House, and provided further that any bill wherein it is declared that an emergency exists shall require the concurrence of a majority of the members elected to the House by a yea and nay vote entered upon the Journal.

Bills shall be printed and distributed in the order in which they are introduced.

Section 27. The Clerk of the House shall keep a record showing to what committee each bill or resolution has been referred and the date of such reference, together with the date of its return to the House. The records shall also show the date when the committee first received the bill and when the same was finally reported by the committee to the House.

The report or recommendation of the committee which considered the bill, together with a minority report if one be made, shall also be entered upon said record under one of the following expressions:

"Favorably Reported"

"Favorably Reported, Accompanied by a Minority Report"

"Unfavorably Reported"

"Unfavorably Reported, Accompanied by a Minority Report"

"Without Expression of Opinion."

Upon the call of standing committees by the Clerk, the Chairman or ranking member thereof shall disclose the disposition of the matter or matters submitted to their respective committees in the following manner:

"Mr. Speaker, the Committee on _____ (naming the committee), to which was submitted_____ (Senate or House bill or resolution, naming the same and giving the number thereof), reports as follows:

"Unfavorably Reported" or

"Favorably Reported" or

"Favorably Reported, Accompanied by a Minority Report" or

"Unfavorably Reported, Accompanied by a Minority Report" or

"Without Expression of Opinion."

A minority report must be signed by those members who have dissented from the committee's report and it shall be in order to move the adoption of the minority report as a substitute for the committee's report when the committee offers its report. However, it shall require a majority of the members elected to adopt same; but it shall always be required that the committee's report be read before the minority report is read.

Section 28. The House Journal shall also note the dates upon which all bills and resolutions were sent to their respective committees as well as the dates upon which same were returned to the House.

Section 29. The Clerk of the House shall keep a calendar for each legislative day of the session showing the bills entitled to a second reading upon that day distinguishing between House bills and Senate bills.

Section 30. When a House bill has been amended in the Senate and the House has concurred in the Senate amendmena, the bill as amended shall immediately be put upon its passage.

When a House bill has been amended in the Senate and the House refuses to concur in said amendment, or when a Senate bill has been amended by the House and the Senate refuses to concur in said amendment, and when neither will recede from such action, a Committee on Conference shall be appointed by the Committee on Committees of the House to meet a like committee from the Senate and said Committee shall confer with the Senate Committee and report back to the House within a reasonable time.

When a bill has been referred to the Committee on Conference and a report has been made thereon in the same manner as reports are made for House bills, the conference report shall be

voted upon; and, if adopted, the bill shall immediately be put upon its final passage.

EVERY BILL SHALL BE PUT UPON ITS FINAL PASSAGE IMMEDIATELY AFTER ITS THIRD READING UNLESS OTHERWISE ORDERED BY THE HOUSE.

Section 31. Every House bill and joint resolution, together with the amendments thereof, passed by the House and being the subject of no further amendment or motion, shall be engrossed by the Clerk of the House and delivered to the Senate in open session by the Clerk of the House or some one designated by the Clerk of the House.

Section 32. When a bill has had its second reading it shall be placed in the Orders of the Day, or be recommitted, and when next reached in the House it shall be ready for recommitment, amendment or debate, or to be read a third time and placed upon its passage, and the Speaker shall so announce to the House. A bill may be recommitted or amended at any time before its passage.

Section 33. When a bill shall have passed the House and shall have been properly engrossed, and shall no longer be the subject of further amendment or motion, it shall be so certified by the Clerk of the House, endorsing thereon the day of passage or adoption, and taken by him or someone designated by him and delivered to the Senate in open session, and its concurrence asked therein. A like procedure shall be observed toward Senate bills.

Section 34. When a House bill has been amended in the Senate and has been returned to the House for concurrence in the amendment, it may be referred to a committee, but if referred, it shall be done in the same manner as original bills are referred.

Section 35. *Bills After Their Second Reading Shall Be Placed In The Orders Of The Day In The Order In Which They Have Been Given Their Second Reading,* and shall be taken therefrom for their third reading and final consideration in the order in which they appear in the Orders of the Day, unless otherwise ordered by a majority of Members elected.

Section 36. When a House bill is in the Orders of the Day, it shall be in order on motion of the author to substitute an identical Senate bill which is in the Orders of the Day of the House.

When engrossing a bill, the Clerk may incorporate amendments by means of typing only. When an amendment strikes out any part of the original it shall be indicated in the engrossed copy by one parallel line over the part to be stricken out, in such a way as not to render illegible the original words.

All amendments shall be given the proper page and line of the printed bill.

The Clerk shall post conspicuously the numbers of all bills recommended for said calendar by the Rules Committee and the numbers of all bills placed in said calendar by the Committee of the Whole House.

Amendments—Form For.—The Clerk shall furnish the members sheets with a proper heading printed in blank upon which amendments shall be written, and all amendments offered shall be on such blanks and bear the name of the members offering the same.

Must Be Germane.—No amendment shall be in order that is not germane to the matter under consideration; and the Speaker of the House, when the question is raised, shall rule as to the admissibility of the proposed amendment, subject to appeal as hereinbefore provided in these rules.

By Striking Out Enacting Clause.—A motion to amend by striking out the enacting clause of a bill shall have precedence over another motion to amend, and, if carried, the bill or resolution is rejected.

Section 37. Bills originating in and passed by the Senate when reported to the House shall be referred to the Committee on Committees and shall take the same course as other bills.

Section 38. All House bills and resolutions which have passed both Houses, the Senate and the House of Representatives, shall be delivered by the House Clerk to the Enrolling Clerk, in the order in which passed, who shall be responsible for their

safekeeping until they are delivered to the Committee on Enrollment.

The Enrolling Clerk of the House shall take charge of all House Bills as soon as they are referred back to the House and ready to be enrolled. The number and title shall be kept by the Chief Clerk in a suitable record book of all bills and joint and concurrent resolutions carrying the force and effect of law, passed by the House of Representatives and the Senate, attesting the fact and date of passage. A printed copy upon safety paper in the exact form as finally passed shall be certified to by the Enrolling Clerk and turned over to the Committee on Enrollment. In cases of extreme emergency and during the last three days prior to sine die adjournment, where no correct printed copy is available, the Enrolling Clerk may enroll such bill or resolution by typing the same on safety paper or by enrolling the same in long-hand.

In the event a bill which originates in the House is amended by the Senate and the House concurs in the amendments proposed and adopted by the Senate, then the Chief Clerk of the House shall first engross said amendments in the original copy of the House bill, attesting the same, before delivering the bill to the Enrolling Clerk of the House and taking her receipt therefor, as in the case of other House bills which were not amended by the Senate. It shall then be the duty of the Enrolling Clerk to cause the original bill as attested by the Chief Clerk and the safety copy of the bill as delivered from the Senate to conform to each other by typing in indelible typewriter ink or by writing in red ink the amendments engrossed in the original bill in the safety copy. The same procedure shall apply to House resolutions.

If any bill or resolution is found not correctly enrolled, it shall be returned to the Enrolling Clerk to be properly enrolled, which, when done, shall be delivered to the Committee on Enrollment as is first provided herein.

So soon as said enrollment is completed the Enrolling Clerk shall deliver the original bill or resolution and the enrolled copy thereof to the Committee on Enrollment, which Committee and the Enrolling Clerk shall jointly compare one with the other,

and if the enrollment is ascertained to be correctly done, the Committee shall report the same to the House.

When signed by the Speaker of the House, the Enrolling Clerk of the House shall deliver the original and enrolled copies of House bills and resolutions to the Chairman of the Enrollment Committee of the Senate for presentation to the President of the Senate for his signature. When signed by the President of the Senate, the enrolled bill or resolution and the original copy thereof shall be returned by the Enrolling Clerk to the Clerk of the House who shall be responsible for the safekeeping thereof and who shall present the enrolled bill or resolution for his approval, and take his receipt for same.

Section 39. The Committee on Enrollment and the Committee on Committees may report at any time except during roll call or while a vote is being taken.

Section 40. No bill shall be copied or distributed by the public printer or any employee of the House or other person whose duty it is to have custody of the same until the same shall have been printed and returned with the printed copies thereof to the Clerk of the House, and all bills shall remain at all times in the hands of the Clerk of the House, public printer, Committee on Committees or the committees to which said bills have been referred.

Section 41. No record which is in the hands of the Clerk of the House and is required by law to be entered upon the Journal of the House shall be copied by the Clerk or any other person for any person or persons whatsoever until same shall have been entered upon the aforesaid Journal and said Journal shall have been approved.

Section 42. No bill shall be considered by the House during the last fifteen legislative days of the session of the House or during any special session except upon the recommendation or report of the Rules Committee previously obtained, nor shall the House consider any bill originating in the Senate during the last fifteen legislative days of the session of that body nor during any special session except upon the recommendation or report of the Rules Committee of the House previously obtained,

unless otherwise ordered by a majority of the members elected to the House.

The Rules Committee of the House will take charge of and control all bills to be considered by the House during the last fifteen legislative days of the session of the House and during any special session and will determine what bills shall be considered during that time, and the order in which they shall be taken up and considered.

If and when the time be fixed for the sine die adjournment of the session of the General Assembly, the "last fifteen legislative days" as hereinabove provided shall be held and construed to mean the last fifteen legislative days next prior to the time so fixed for the sine die adjournment. If the resolution be adopted for sine die adjournment within fifteen days of the time fixed for such adjournment, then the Rules Committee shall take charge for such lesser number of days as may remain from the time such resolution for sine die adjournment is adopted and the time fixed for such adjournment.

The Majority Floor Leader of the House shall act for the Rules Committee in calling from committee any bills or resolutions and shall be recognized by the Speaker of the House for said purposes during all times that the Rules Committee is in charge.

The Speaker of the House shall act as chairman of the Rules Committee.

Section 43. In the absence of a specific rule of the House, Roberts *Rules of Order* shall govern the proceedings.

PARLIAMENTARY RULES

Section 44. No committee except the Committee on Enrollment, Committee on Committees and a Committee on Conference between the House and Senate shall sit while the House is in session, unless by consent of the House.

Section 45. The House may correct errors in the Journal on the day the Journal containing errors is presented to the House for approval.

Section 46. Every oral motion after it has been stated by the Speaker, and every written motion, bill, resolution or other paper, after it has been read by the Clerk, shall be the property and in possession of the House, and shall not be withdrawn without consent of the House.

Section 47. When a question is under consideration, no motion shall be in order except:

First—To fix the time to which the House shall adjourn.

Second—To adjourn.

Third—To take recess.

Fourth—To lay on the table.

Fifth—For the previous question.

Sixth—To postpone to a fixed time.

Seventh—To commit.

Eighth—To amend.

Ninth—To postpone indefinitely.

The above several motions shall have precedence in the order in which they are arranged; and the first five of them shall not be debatable. A second motion to adjourn, to take a recess, to lay on the table, for the previous question, to postpone to a time certain, to commit or to postpone indefinitely shall not be in order on the same day, upon the same question, and at the same status thereof unless other business intervenes; provided, however, that amendments may be made to the time to which it is proposed to adjourn, to take a recess or to postpone.

Section 48. A motion to strike out the enacting words of a bill or resolution shall have precedence over a motion to amend; and, if adopted, shall have the same effect as though the bill or resolution were regularly voted upon and rejected.

Section 49. A motion to adjourn, to take a recess, or a motion to adjourn to a time certain, shall always be in order, except when a member is speaking or while a vote is being taken, or when the Committee on Committees is reporting; subject, however, to the limitation set out in Rule 47.

Section 50. When the "previous question" has been ordered, a vote shall be taken immediately upon the pending measure and such pending amendments as are in order.

The effect of the "previous question" shall be to put an end to all debate; to prevent the offering of additional amendments, and to bring the House to an immediate vote upon the measure and amendments aforesaid.

The "previous question" may be ordered by a majority of the Members voting on that question. On the call of the roll, no Member shall be allowed to speak more than three minutes to explain his vote and shall not speak at all if the question is not a debatable question. After the "previous question" has been ordered, and before the vote upon the main question, the opponents of the measure shall have ten minutes, and proponents of the measure shall have ten minutes.

Section 51. When a measure shall have been postponed indefinitely it shall not be in order again during the session.

Section 52. Every written motion, report or measure may be committed or recommitted at the pleasure of the House.

Section 53. A motion to commit, recommit, or postpone a part of a measure so as to separate that part of the measure from the remainder shall not be in order.

Section 54. A motion to reconsider a vote shall not be in order unless made by a Member who voted upon the prevailing side of the question; nor shall such motion be in order unless made within two legislative days after the day the vote was taken.

However, the motion to reconsider when coupled with the additional motion to lay that motion upon the table may be made by any Member.

Section 55. Any pending bill, resolution, motion or report shall be read by the Clerk upon the demand of any Member, but it shall not again be read on the same day unless so ordered by the House.

Section 56. The Rules of the House, after their adoption, shall not be altered, changed, amended, suspended or interrupted,

unless the same be done by a majority of the members elected to the House.

Whenever the rules are suspended as above, no measure shall be considered under suspension except the measure or measures in whose favor the suspension was invoked, and only for that day.

Section 57. All questions, whether in Committee of the Whole or in the House, *When Not a Privileged Question,* shall be propounded in the order in which they were moved, except that in filling blanks the smallest sum and the most remote date shall be put first.

Section 58. The rules of procedure in the House shall be observed in committee in so far as the same are applicable.

Section 59. When the roll is being called in taking a yea and nay vote, and the hour of adjournment arrives, the same shall stand extended until after said yea and nay vote has been completed and the announcement of the result made.

Section 60. In all elections a previous nomination shall be made.

Section 61. When a motion has been made and seconded, it shall be stated by the chair, or, being in written form, it shall be read by the Clerk before debate, amendment or motion concerning it shall be in order.

Section 62. In all cases where general parliamentary law provides for a rule of two-thirds, it shall mean in this House a majority of all the members elected thereto.

Section 63. Two hundred copies of these rules shall be immediately printed for use of the House.

Section 64. All resolutions to authorize the filing of suits against the Commonwealth of Kentucky or any department or agency of the State shall be referred by the Clerk of the House to the Committee on Claims.

Before that Committee shall report any such resolution with the expression of opinion that the same should pass, the Committee shall require that each person seeking to obtain

such authorization for suit shall file with the Committee a statement, duly sworn and subscribed to, in which all the facts and circumstances connected with the cause of action on which such person seeks to recover are set forth; and such statement, before such Committee shall report the resolution favorably, shall set forth a prima facie case against the Commonwealth of Kentucky or any department or agency of the State.

Section 65. The following shall be the Standing Committees of the House. There shall be a Committee on Committees composed of the Speaker of the House, the Majority Caucus Chairman and the Majority Floor Leader of the House, and the majority of said Committee shall have full power to act on all matters referred to said Committee, either by these rules or by the action of the House. All bills and resolutions, either joint or concurrent shall, upon their introduction, be automatically referred to the Committee on Committees who, shall refer same to the proper Committee on the Legislative Day of, or the first Legislative Day after, the introduction of such bill or resolution on which the House is in session.

The Committee on Committees shall have supervision and control over all employees of the House, whether elected by the House or appointed by the Committee on Committees or otherwise, and the Committee on Committees shall see that they perform all of their duties to the House and the members thereof.

The Committee on Committees is empowered to discharge any or all of said employees and officers except the constitutional officers of the House. The Committee on Committees shall appoint the members of all other standing and special committees and shall fill any vacancies thereon.

The following shall be the other standing committees of the House:

Committee on Committees

Agriculture

Appropriations

Aviation

Bank and Banking

Charitable, Penal and Reformatory Institutions

Cities of the First Class

Cities of the Second Class

Cities of the Third Class

Cities of the Fourth Class

Cities of the Fifth Class

Cities of the Sixth Class

Committee on Claims

Compensation for Industrial Injuries

Constitutional Amendments

Courts and Legal Procedure

Criminal Law

Conservation, Ditches and Drains

Education

Elections

Enrollment

Executive and Legislative Affairs

Fish and Game

Forestry, State and National Parks

Higher Education

Insurance

Judiciary and Judicial Council

Kentucky Statutes No. 1

Kentucky Statutes No. 2

Labor

Library and Historical Records

Mines, Oils and Minerals

Motor Transportation

National and Civil Defense

Public Health

Public Utilities

Railroads

Regulation of Intoxicating Liquors

Revenue and Taxation

Roads and Highways

State Fair

Veterans' Legislation and Military Affairs

Ways and Means

Mr. Weintraub moved that the proposed rules offered by Mr. Lowman be now referred to a Committee on rules.

MOTION

I move that the proposed rules be now referred to a committee on Rules, which shall consist of 18 duly elected members of the House (two from each Congressional District) plus the Speaker of the House, the Majority Floor Leader and the Minority floor leader, with instructions that hearings be held thereon and that a full and complete report be made to the House within 5 legislative days. That the members shall be selected by the Speaker and shall, as nearly as possible, conform to the ratio or proportion as each party bears to the total membership of the House.

And two members having demanded a roll call on said motion and the yeas and nays be taken on said motion as follows:

Those who voted in the affirmative were—

Bill Adams	Charles M. Crowe	Chas. M. Greene
Dr. John Adkins, Jr.	James A. Dressman, Jr.	Farmer Helton
Thomas L. Britton	R. L. Dunigan	Henry R. Heyburn
Walter J. Chyle, Jr.	Jack Early	James W. Lambert
Marvin A. Cornett	Leslie Gay	Jesse H. Lawrence

Clem Schroader	E. A. Spencer	Morris Weintraub
John A. Sloan	Albert Thomason	Charles W. Wirsch

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Those who voted in the negative were—

J. Everett Bach	John Head	Louis T. Peniston
Sidney Baer	William K. Henry	Hobart Rayburn
John Rhea Banton	Thomas D. Hewlett	Tipton Reed
Clarence J. Barnum	E. R. Hilton	J. F. Robinson
Owen Billington	Ray Holbrook	Earl Rogers
Wm. W. Blanton	Chester J. Holsclaw	Joe Rouse
R. O. Blevins	William M. Horn	Amos Runyon
J. C. Bradley	Paul S. Jonas	Cecil Sanders
Ed. T. Breathitt	William L. Jones	Dr. B. F. Shields
Edward O. Bridgers	Jennings Kearby	Mrs. Thelma Stovall
Mrs. Mary E. Burnete	Paul M. Lewis	E. H. (Ted) Stumbo
Alex H. Calvert	Mrs. J. T. Linton	Egbert V. Taylor
Lewis W. Combest	Harry K. Lowman	William F. Threlkeld
R. Josh Cosby	Shelby McCallum	Marion Vance
C. E. Dowell	G. Lee McClain	J. B. Veech
Thomas R. Duncan	Russell L. Meadows	Eulick (Mike) Walsh
Harold Edwards	Tom Mobley	Wm. Thos. Wathen
William Engle	Robert H. Moore	L. M. Weathers
Roscoe Estep	Walter R. Moorman	W. W. Webster
Herbert Fern	Fred H. Morgan	Hicks Wells
Wm. P. Friedlander	Earl F. Murphy	William B. Wells
Henry J. Giles	Thomas J. Murphy	W. A. (Pete) Wickliffe
Henry C. Hale	Ewin C. Neville	Walker H. Wiseman
Eugene B. Hancock	Bart N. Peak	Garrett L. Withers
George F. Harris		

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Mr. Weintraub offered amendment No. 1 to the proposed rules are as follows:

That the 3rd paragraph of Section 8 on pages 4 and 5 be amended, so that when amended same will read as follows:

"During the pendency of an appeal to the House from a decision of the chair, the Speaker of the House, or the officer from whose decision the appeal is taken, shall vacate the chair, and shall call a member of the House, other than an officer or

caucus chairman of either the majority or minority parties to preside during the appeal."

Mr. Weintraub moved that the House do now adopt said amendment to said proposed rules.

Said motion was disagreed to.

Mr. Weintraub offered amendment No. 2 to the proposed rules as follows:

That Section 41 on page 18 be deleted and stricken from the proposed rules, and that the subsequent sections be thereupon renumbered.

Mr. Weintraub moved that the House do now adopt said amendment to said proposed rules.

Said motion was disagreed to.

Mr. Weintraub offered amendment No. 3 to the proposed rules as follows:

That Section 48 on page 20 of the proposed rules be deleted and stricken therefrom, and that the subsequent sections be thereupon renumbered.

Mr. Weintraub moved that the House do now adopt said amendment to said proposed rules.

Said motion was disagreed to.

Mr. Weintraub offered amendment No. 4 to the proposed rules as follows:

That Section 65 on pages 23 and 24 be amended so that when amended same will read as follows:

Section 65

COMMITTEE ON COMMITTEES AND CONTROL, STANDING COMMITTEES, APPOINTMENT AND TIMES AND PLACES OF MEETING.

(a) There shall be a "Committee on Committees and Control" which shall be a standing Committee of the House of Representatives, and shall meet at such time or times as is necessary for the prompt dispatch of such business as may come before it.

It shall meet upon call of the Speaker of the House or upon the written request of Seven (7) Members thereof filed with the Speaker and the Clerk of the House.

(b) Said "Committee on Committees and Control" shall be composed of Twenty-seven (27) Members of the House, plus the Speaker, the Majority Floor Leader and the Minority Floor Leader. The Speaker shall have no vote except in the case of a tie. He shall be chairman of the Committee on Committees and Control. Said members shall be selected Two (2) each from each Congressional District at separate meetings to be held by the representatives from each Congressional District immediately after the adoption of these rules, and the results shall be certified to the Speaker and the Clerk of the House. Election shall, as nearly as possible be on the same ratio or proportion as each party represents in the House.

(c) Said "Committee on Committees and Control" shall select and appoint the duly elected members of the House of Representatives to the various committees. It shall, Five (5) legislative days prior to the end of a Regular or Special Session take charge of and control all bills to be considered by the House during said last Five (5) legislative days, and it will control what bills shall be considered during that time, and the order in which they shall be taken up and considered. All other standing committees shall be deemed discharged when the Committee on Committees and Control assumes such control and all bills in all respective committees shall become the property of the Committee on Committees and Control.

(d) In addition to the "Committee on Committees and Controls," the Committees hereinatfer named shall be and constitute the standing Committees of the House of Representatives. Each Committee shall be composed of not less than Eighteen (18) Members, and not more than Twenty-One (21) Members. The Speaker, the Majority Floor Leader and the Minority Floor Leader shall be members ex-officio of each and every Committee; provided, however, the Speaker shall cast a vote only in case of a tie.

(e) In the appointment or selection of the members to each Committee, the "Committee on Committees and Control"

shall take into consideration the qualifications, background and experience of each member of the House and shall appoint each member to such Committee and Committees as his or her qualifications, background and experience best fits. Every effort shall be made to appoint members to committees wihch meet on different regular dates and times. Each committee shall consist of members of the different political parties represented, in the House, and, as nearly as possible, in the same proportion as elected to the House. Selections shall be made, as far as possible, on the basis of two members from each of the nine Congressional Districts. In those cases where because of the inability to properly carry into effect the proper ratio, or where because a particular area requires additional representation on any committee because of the special nature of the subject matter to come before the Committee as it applies particularly to that area, the "Committee on Committees and Control" is privileged to select and appoint from at large and/or from the area most affected, up to three additional members. This will tend to preserve the proper ratio and give adequate representation to the areas most affected by the subject matter to handled by the Committee.

(f) Each member of the House shall be appointed to no less than three nor more than four Committees.

(g) Said Committees and their meeting time and places are as follows, and no Committee shall sit or meet during the Session of the House of Representatives or Committee of the Whole, without the special permission first obtained from the House of Representatives:

COMMITTEES	MEETING TIME EACH WEEK	ROOM NO.
1. COMMITTEE ON AGRICULTURAL AFFAIRS	Tuesday, 9:30 A.M.	1
2. COMMITTEE ON ALCOHOLIC LIQUOR CONTROL	Tuesday, 9:30 A.M.	2

3. COMMITTEE ON BANKING AND INSURANCE	Tuesday, 9:30 A.M.	3
4. COMMITTEE ON CITY AFFAIRS	Tuesday, 11:30 A.M.	1
5. COMMITTEE ON COUNTY AFFAIRS	Tuesday, 11:30 A.M.	2
6. COMMITTEE ON COURTS, LAWS PRACTICE AND PROCEDURE	Wednesday, 9:30 A.M.	1
7. COMMITTEE ON EDUCATION	Wednesday, 9:30 A.M.	2
8. COMMITTEE ON HEALTH, WELFARE AND SOCIAL SECURITY	Wednesday, 9:30 A.M.	3
9. COMMITTEE ON INSTITUTIONS, PROPERTIES AND CLAIMS	Wednesday, 11:30 A.M.	1
10. COMMITTEE ON LABOR, COMMERCE AND BUSINESS REGULATION	Wednesday, 11:30 A.M.	2
11. COMMITTEE ON LEGISLATIVE PROCEDURE AND ADMINISTRATION	Thursday, 9:30 A.M.	1
12. COMMITTEE ON MINES AND MINING	Thursday, 9:30 A.M.	2
13. COMMITTEE ON NATURAL RESOURCES, PARKS AND DEVELOPMENTS	Thursday, 11:30 A.M.	1

14. COMMITTEE ON REVENUE, TAXATION AND APPROPRIATIONS	Friday, 9:30 A.M.	1
15. COMMITTEE ON ROADS AND HIGHWAYS	Thursday, 11:30 A.M.	2
16. COMMITTEE ON UTILITIES AND TRANSPORTATION (Air, Rail & Motor)	Friday, 9:30 A.M.	2
17. COMMITTEE ON VETERANS AND MILITARY AFFAIRS	Friday, 11:30 A.M.	1
18. COMMITTEE ON VOTING AND ELECTIONS	Friday, 11:30 A.M.	2

(h) Committee meetings must be held at the time and hour designated and in the Committee meeting room assigned to it, and shall be held at no other place, except upon the approval of the House first obtained.

(i) The Clerk shall cause the lists of all Committees, their full and complete membership, the days and respective hours of meeting, and the meeting room for each committee, to be printed daily in the Digest.

(j) MANNER OF REFERENCE OF BILLS TO COMMITTEES:

The Speaker must, no later than the end of the legislative day following the introduction of a bill, refer same to a committee, which must be the committee charged with the consideration of the subject matter of said bill.

(k) DUTIES AND POWERS OF COMMITTEES:

Each Committee shall meet at the regular meeting time and place following adoption of these rules and at the time of the first meeting of each committee, a Chairman, Vice-Chairman and

Secretary shall be elected by a majority of the committee members present. The Vice-Chairman shall act in the absence of the Chairman. In the event of absence of both the Chairman and Vice-Chairman at any meeting, the members present shall select a temporary Chairman who shall serve for that meeting. The Secretary shall keep minutes and records of the meetings and shall cause same to be reduced to writing, and same shall be subject to inspection by any member of the House. The "Committee on Committees and Control" shall assign to each committee a designated person, who shall be competent and qualified to take shorthand, transcribe same on the typewriter, and perform such other stenographic and clerical duties as may be required by the Chairman, the Secretary or the Committee itself. The person so appointed may serve for more than one Committee. He or she shall keep a regular agenda of all bills and business to come before each Committee he or she is designated to serve. He or she shall receive a salary to be fixed by the House, and to be paid by the Clerk of the House out of the funds in his hands.

(l) It is the intention of the House that as few as possible special meetings of the various committees be held, but where it is deemed necessary for the interest and welfare of pending legislation that a special committee meeting be called, notice thereof and of the bill or bills to be considered must be given at least two full legislative days prior to the special meeting and said notice shall be announced by the Chairman at motion hour and a written memorandum thereof shall be delivered by the Chairman to the Clerk of the House, who shall cause same to be printed and carried in the Legislative Digest, up to and including the day of the special meeting. A special meeting may be called by either the Chairman, a majority of the members of each committee, or at the joint request of the Speaker, Majority and Minority Leaders.

(m) Commencing with the second week of the Session of the General Assembly, each committee having bills referred to it must hold regular weekly meetings at the time set opposite each committee, and in the meeting room assigned to it.

(n) When a bill or resolution is referred to a Committee,

that Committee must proceed to consider it at its next regular meeting, or at a special meeting, if one be called. The Chairman shall submit the bill or resolution to the consideration of his Committee, and upon his failure to do so, same may be called up by any member of the Committee or by its sponsor. A majority of the Committee shall be present before a bill may be considered (in determining this majority, the Speaker, Majority Leader and Minority Floor Leader shall not be counted). A committee in reporting a bill to the House shall make its report in writing, and such a report need only be signed by the Chairman and attested to by the Clerk of the Committee which shall only be evidence of the action taken by the Committee, and which does not necessarily reflect or indicate the vote of said Chairman or Clerk in said Committee Meeting. After a majority report has been made, the minority may make its report, which must be signed by the members of the Committee making such minority report. No bill shall be considered or acted upon by a Committee, except by action in a Committee Room.

(o) Each Committee shall, pursuant to Section 39 of the Constitution of the Commonwealth of Kentucky, have the power and authority to compel the attendance of persons as witnesses before it, or to compel the production of any and all papers proper to be used in evidence at a hearing, or to compel testimony concerning any matter which may be, and is, a proper subject of inquiry by the General Assembly or such Committee. A subpoena shall be signed by the Chairman, and attested by the Clerk, and shall be delivered to any Sheriff, Constable, Peace Officer, or to the Sergeant-at-Arms of the House for service. The Clerk shall pay the costs of serving same out of the funds in his hands. Upon the failure of any person to comply with an order of any Committee, such fact shall be reported to the House, and such person shall be proceeded against and punished for contempt.

Mr. Weintraub moved that the House do now adopt said amendment to said proposed rules.

Said motion was disagreed to.

Mr. Weintraub seconded the motion of Mr. Lowman to adopt the proposed rules. Said motion was agreed to.

Mr. Lowman offered the following resolution, viz:

H. Res. A. Resolution authorizing appointment of a committee of the House to wait upon the Senate and the Governor.

A HOUSE RESOLUTION. Resolution authorizing appointment of a committee of the House to wait upon the Senate and the Governor.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said committee shall, in conjunction with a like committee to be appointed from the Senate, wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communications he may desire to deliver.

Mr. Lowman moved that the House do now adopt said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

Thereupon the Speaker appointed the following as members constituting said Committee.

George F. Harris, Mrs. J. T. Linton, Chester J. Holsclaw, Dr. B. F. Shields, Paul S. Jonas, William M. Horn, Amos Runyon, E. R. Hilton and James W. Lambert.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced, viz:

By Mr. Lowman.

H. Res. 1. A joint resolution, appropriating the sum of Two Thousand ($2,000.00) Dollars, for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars, for a contingent fund for the Clerk of the House.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky, there is set aside out of the appropriation made by Chapter two (2) of the Acts of 1948 for legislative sessions as a contingent fund, the sum of Two Thousand ($2,000.00) Dollars, and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives, of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter two (2) of the Acts of 1948 for legislative sessions as a contingent fund, the sum of Two Thousand ($2,000.00) Dollars. Said respective funds, shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerks of the Senate and of the House of Representatives.

WHEREAS, it is necessary that these contingent funds for the Chief Clerks of the Senate and House of Representatives be immediately available, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

By Mr. Lowman.

H. Res. No. 2. A joint resolution appropriating additional compensation for officers and employees of the House and Senate and declaring an emergency.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated from the Legislative Session Fund as additional compensation for the following officers and employees of the Senate and House of Representatives:

Assistant Clerk

Enrolling Clerk

Sergeant-at-Arms

Doorkeeper

Cloakroom Keepers (2)

Janitor

Pages (4)

to that compensation as provided for in KRS 6.230, the sum of Four Hundred Dollars ($400.00) per diem, for each body, for the duration of the 1952 Regular Session.

That the aforesaid amount shall be prorated among the aforenamed constitutional officers and employees, according to the per diem set forth in KRS 6.230, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on this basis.

That the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives for the abovenamed amounts, and that the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives are further directed to distribute the additional compensation to the above mentioned officers and employees as provided in KRS 6.230.

WHEREAS, it is necessary that this additional compensation be received by the officers and employees of the 1952 regular session in order to expedite properly the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this resolution shall be effective from and after its passage and approved by the Governor of the Commonwealth of Kentucky.

By Mr. Lowman.

H. Res. No. 3. A joint resolution providing for the purchase and distribution of "The Legislative Digest."

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. The Perry Publishing Company is authorized and directed to furnish 200 copies of "The Legislative Digest," each day

the House or Senate is in session, for delivery and distribution as provided in Section 2 of this Resolution, for which said company shall be paid the sum of $4,500.00 out of the appropriation for expenses of legislative sessions for the current fiscal year made by Chapter 2 of the Acts of 1948. The Department of Finance shall issue its warrant for payment of this amount upon receipt of a voucher for the same endorsed and approved by the Speaker of the House of Representatives and the President of the Senate.

2. The distribution of "The Legislative Digest" shall be as follows:

(a) 110 copies to the Clerk of the House for distribution to the members of the House and to such officers of the House as the Speaker may direct.

(b) 45 copies to the Clerk of the Senate for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct.

(c) 45 copies to the Governor and to such officers and employes of the Commonwealth as the Governor, the President of the Senate and the Speaker of the House may direct.

3. WHEREAS, in order that the functions of the General Assembly may be expedited, it is essential that The Legislative Digest be available to the members during the present session, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

By Mr. Lowman.

H. Res. B. A House Resolution relating to extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

By Mr. Lowman.

H. Res. C. A House Resolution empowering the Committee on Committees to employ assistants for the House.

Said resolution is as follows, viz:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Committee on Committees be empowered to em-

ploy such assistants in and about the House Chamber during this session of the General Assembly as to them appears necessary and as they deem advisable under the provisions of KRS 6.230.

By Mr. Hale and Mr. Stumbo.

H. B. No. 1. An act relating to the issuance of duplicate game, hunting, and fishing licenses and tags where such original license or tag is lost or destroyed; providing fees for such duplicate.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. If any game, hunting or fishing license certificate or tag provided for in Chapter 150, Kentucky Revised Statutes, is lost or destroyed, the person to whom such game, hunting or fishing license or tag was issued may obtain a duplicate or substitute by applying in person to the County Court Clerk of the County in which such original license certificate or tag was issued, furnishing proof satisfactory to the Clerk that the license certificate or tag has been lost or destroyed, and payment of twenty-five (25c) cents, which shall be retained by the Clerk.

By Mr. Sloan.

H. B. 2. An act relating to marriage licenses, amending section 402.080 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 402.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) No marriage shall be solemnized without a license therefor. The license shall be issued by the clerk of the county in which the female resides at the time, unless the female is of full age or a widow, and the license is issued on her application in person or by writing signed by her, in which case it may be issued by any county clerk.

(2) When both applicants are under twenty-one years of age, no county clerk shall issue a marriage license until the application

for the marriage license remains on file, open to the public, in the office of the county court clerk, for three days before the license is issued.

By Mr. Sloan.

H. B. 3. An act to amend Section 145 of the Constitution of the Commonwealth of Kentucky relating to voting qualifications.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Upon the concurrence of three fifths of all the members elected to each House of the General Assembly, the ayes and nays being taken thereon and entered in full in their respective Journals, Section 145 of the Constitution of the Commonwealth of Kentucky is amended.

2. "145. QUALIFICATIONS OF VOTER. PERSONS DISFRANCHISED. Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere; but the following persons are excepted and shall not have the right to vote.

"1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon.

"2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

"3. Idiots and insane persons."

3. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution and under the Kentucky Statutes.

Said bills and resolutions are ordered to be printed and referred.

The Speaker announced the personnel of the Committee of the House on Appropriations for the 1952 Regular Session, as follows, viz:

Mary E. Burnett, Chairman, Thomas Duncan, Ray Holbrook, William Horn, Paul Jonas, William L. Jones, Harry K. Lowman, Robert H. Moore, Walter Moorman, Fred Morgan, Hobart Rayburn, Egbert V. Taylor, J. B. Veech, L. M. Weathers.

Mr. Lowman moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

Fifteen minutes having expired the Speaker resumes the chair, and called the House to order.

Mr. Holsclaw of the Committee heretofore appointed to wait upon the Senate and the Governor, reported that they had discharged the duties imposed upon them and that they had been informed by the Governor as follows:

January 8, 1952
Mr. Charles Burnley
Speaker of the House of Representatives
Frankfort, Kentucky

Dear Mr. Burnley:

The 1952 General Assembly having convened, it is requested that the Senate and the House of Representatives meet in joint session on Tuesday afternoon, January 15, 1952, for the purpose of hearing my report regarding the general status of State Government and my message on the fiscal operations of the Commonwealth for the coming biennium.

Your courtesises extended in this connection will be deeply appreciated.

Sincerely yours,
/s/ Lawrence W. Wetherby
Governor

Mrs. Burnett of the Committee of Appropriations to which same had been previously referred. Reported resolutions of the following titles with the expression that same should pass.

H. Res. 1. A joint resolution, appropriating the sum of Two Thousand ($2,000.00) Dollars, for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars, for a contingent fund for the Clerk of the House.

H. Res. 2. A joint resolution appropriating additional compensation for officers and employees of the House and Senate and declaring an emergency.

H. Res. 3. A joint resolution providing for the purchase and distribution of "The Legislative Digest."

Said Resolutions were read at length the first time and ordered placed in the calendar.

The Chief Clerk announced to the House that there had been filed with him notice of a contest filed by W. B. (Balley) Frazier against Charles Malcom Green, Representative from the 87th Legislative District, embracing Knox County, contesting the right of said Charles Malcom Green to serve as a member of the House of Representatives from said district, and setting forth the grounds for contest in said notice and filing with said notice depositions of Charles L. Hammons and others, taken on December 7, 1951 at the law offices of J. J. Tye, Barbourville, Kentucky, which notice and grounds of contest, together with the depositions are filed and made a record of in the Clerk's office.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in that body as follows, viz:

S. R. No. 3. A concurrent resolution relating to adjournment of the General Assembly.

Said resolution was referred to the Committee on Committees.

Mr. Lowman moved that the House do now adjourn to meet again at 10:00 a.m., Wednesday, January 9, 1952.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 9, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Fred T. Moffett, pastor of the First Baptist Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Henry C. Hale	Tipton Reed
Dr. John Adkins, Jr.	Eugene B. Hancock	Earl Rogers
Henry Arrowood	George F. Harris	Joe Rouse
J. Everett Bach	John Head	Carl J. Ruh
Sidney Baer	Farmer Helton	Amos Runyon
John Rhea Banton	William K. Henry	Clem Schroader
Clarence J. Barnum	Thomas D. Hewlett	Gus F. Sheehan, Jr.
Owen Billington	Henry R. Heyburn	Dr. B. F. Shields
J. C. Bradley	E. R. Hilton	John A. Sloan
Ed. T. Breathitt	William M. Horn	E. A. Spencer
Edward O. Bridgers	Paul S. Jonas	Mrs. Thelma Stovall
Thomas L. Britton	William L. Jones	E. H. (Ted) Stumbo
Mrs. Mary E. Burnete	Jennings Kearby	Egbert V. Taylor
Alex H. Calvert	James W. Lambert	Albert Thomason
Walter J. Chyle, Jr.	Jesse H. Lawrence	William F. Threlkeld
Lewis W. Combest	Paul M. Lewis	Marion Vance
Marvin A. Cornett	Mrs. J. T. Linton	J. B. Veech
R. Josh Cosby	Harry K. Lowman	Eulick (Mike) Walsh
Charles M. Crowe	William Maglinger	Wm. Thos. Wathen
C. E. Dowell	Shelby McCallum	L. M. Weathers
James A. Dressman, Jr.	G. Lee McClain	W. W. Webster
Thomas R. Duncan	Russell L. Meadows	Hicks Wells
R. L. Dunigan	Robert H. Moore	William B. Wells
Harold Edwards	Walter R. Moorman	W. A. (Pete) Wickliffe
William Engle	Fred H. Morgan	Charles W. Wirsch
Roscoe Estep	Earl F. Murphy	Walker H. Wiseman
Wm. P. Friedlander	Thomas J. Murphy	Garrett L. Withers
Leslie Gay	Ewin C. Neville	Charles W. Burnley
Henry J. Giles	Bart N. Peak	Speaker
Chas. M. Greene	Louis T. Peniston	—85

Mr. Sheehan moved that the reading of the Journal of the proceedings of Tuesday, January 8, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

The Speaker announced that the contest action had been filed with the House in the case of W. B. (Balley) Frazier against Charles Malcom Green from the 87th Legislative District, comprising the county of Knox, and that it was now the duty of the House to appoint a committee to hear and determine the issue joined therein.

Mr. Lowman moved that nine (9) members be selected in accordance with the laws of the Constitution and statutes of Kentucky, and determine the contest of said case and make a report to this House of their action, and that the Chief Clerk be directed to proceed with the selection of said committee in conjunction with the Speaker of the House.

Said motion was agreed to.

The Speaker then announced that the House would proceed according to law and pursuant to the provisions of the motion above set out to select by lot, nine (9) members to constitute the board to determine the contest to a right to a seat in this House in the case aforesaid.

The names of each of the members of the House of Representatives were written on separate pieces of paper, placed in a box by the Clerk, in the manner provided by law, who after the same had been well shaken, had the names drawn from said box, by Carl J. Ruh, who drew the names of nine (9) members of the House therefrom separately, which were handed to the Speaker, and read aloud by the Speaker, viz:

William B. Wells, Harold Edwards, John Head, Edward Bridgers, Bart Peak, E. R. Hilton, Hicks Wells, J. Everett Bach, and E. A. Spencer.

The Speaker thereupon declared that the above named members whose names had been drawn from the box, would and did constitute the board of the House of Representatives to determine the contest between the parties aforesaid.

Thereupon each of said members, comprising said board, appeared at the bar of the House, where the oath of office was administered by the Speaker of the House.

Ordered that the papers and documents in said case be delivered to the contest board aforesaid.

The Chief Clerk announced that this had been complied with.

INTRODUCTION OF BILLS

Bills of the following titles were introduced and ordered to be printed.

By Mr. Ruh.

H. B. No. 4. An act changing the classification of the City of Elsmere, in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Elsmere, in Kenton County, is transferred from the sixth to the fourth class of cities.

By Mr. Maglinger.

H. B. 5. An act relating to narcotic drugs and amending Section 218.210 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 218.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person, who sells, supplies, prescribes, administers, dispenses or furnishes any narcotic drug in violation of this chapter to a person under twenty-one years of ago, shall be punished by death.

(2) Any person who otherwise violates any provision of this chapter shall upon conviction be punished for the first offense by a fine not exceeding one thousand dollars, or by imprisonment for not exceeding three years, or both such fine and imprisonment, and for any subsequent offense, by a fine not ex-

ceeding five thousand dollars, or by imprisonment in the penitenitary for not exceeding ten years, or by both such fine and imprisonment.

By Mr. Wirsch.

H. B. 6. An act to repeal, amend and re-enact section 95.768 Kentucky Revised Statutes, 1946 Edition, providing for the establishment of a police and firemen's pension fund in cities of the fourth class and for the source, custody, investment and disbursement of said fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 95.768, Kentucky Revised Statutes, 1946 Edition be, and the same is now repealed, amended and re-enacted.

2. The Police and Firemen's Pension Fund in cities of the fourth class shall consist of (a) the proceeds of an annual tax, which may be levied by the City Legislative Body, of not more than three cents on each hundred dollars in value of taxable property, (b) all rewards, fees, gifts or emoluments paid or given on account of extraordinary service of any member of the police or fire department; (c) assessments, which the Board of Trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than three and one-half percent of his salary, to be held from the monthly salary and paid by the City Treasurer into the Pension Fund.

3. Said fund shall be for the pensioning of any policeman or fireman who has served in the Police or Fire Departments for at least a period of twenty years or more, providing that applicant has reached his fifty-first birthday, and all members of the police and fire departments shall be entitled to be credited with the services rendered continuously prior to the adoption ordinance under the provisions of section 95.761, Kentucky Revised Statutes, by said City, to the eligibility of the twenty year or more, period for pension, not less than three, nor to exceed fifteen years of previous service, and for the further purpose of pensioning any member of the Police or Fire Department who may become permanently crippled

while in the service and on duty, and for the further purpose of pensioning the widow or dependent children under fourteen (14) years of age, or either of them, of any member of said departments who may lose his life while in the service and on active duty. The payments made under the provisions of this section shall constitute and be kept as a fund to be called the "Policemen's and Firemen's Pension Fund," and the Board of Trustees of the Policemen's Pension Fund, are declared to be the trustees of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.

All laws, or parts of laws, in conflict herewith are repealed.

By Mr. Taylor.

H. B. 7. An act relating to the date of delinquency of state, county and district taxes, amending subsection (3) of Section 134.020 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of Section 134.020 of the Kentucky Revised Statutes is amended to read as follows:

All state, county and district taxes, except as otherwise provided by law, shall become delinquent on March 1, following their due date.

By Mr. Runyon.

H. B. 8. An act relating to schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 158.070 is amended to read as follows:

The minimum school term shall be nine months. The Superintendent of Public Instruction, upon the approval of the State Board of Education, may extend the minimum term to ten months when the resources of the school fund or contributions

by local taxation or donations justify the extension, but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its terms beyond the minimum term set by the Superintendent of Public Instruction.

By Mr. Baer.

H. B. 9. An act relating to real estate brokers and salesmen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (4) of Section 324.010 of the Kentucky Revised Statutes is hereby repealed.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof of such qualifications has been presented to the Commission.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

In addition to proof of honesty, truthfulness and good reputation of any applicant for a license, each applicant must pass a written examination conducted by said Commission, or its authorized representative, which examination shall be of scope and wording sufficient in the judgment of the Commission to establish the competency and trustworthiness of the applicant to act as a real estate broker or salesman in such manner as to protect the interests of the public. Provided, however, no examination shall be required for the renewal of any present or future license unless such license has been revoked, suspended, or is allowed to expire without renewal. The Commission shall hold examinations at such times and places as it may determine, and an examination fee of twenty-five dollars shall be collected from each applicant to defray the expenses of holding such examinations.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

Every real estate broker licensed under this Act shall have and maintain a definite place of business in this state, except as hereinafter provided, and shall erect and maintain a sign in a conspicuous place on the premises at or near the outside entrance to his principal office and all branch offices. The sign shall indicate that he is a real estate broker and his name shall be clearly shown thereon. Such sign shall be written in clear and legible letters of not less than two inches in height and shall be placed so that it can easily be observed and read by anyone entering said place of business. Provided, however, that if the broker is a non-resident, it is not mandatory for him to maintain an active place of business in this state if he maintains such a business place in the state where he is originally licensed.

Section 5. Section 324.060 of the Kentucky Revised Statutes is amended to read as follows:

Every application for a broker's or salesman's license shall be accompanied by a bond in the sum of three thousand dollars. The bond shall be executed by a surety company authorized to do business in this state and shall be made to the Commission, and the bond shall be conditioned that the applicant shall conduct his business in accordance with the provisions of this chapter. The bond shall be in a form approved by the Commission; and, in addition to the foregoing, each and every broker and salesman licensed as of July 1, 1952, and thereafter, shall furnish bond in accordance with the provisions hereof.

CALENDAR

The House took up for consideration from the Calendar resolutions of the following titles, viz:

H. Res. No. 1. A JOINT RESOLUTION, appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

H. Res. No. 2. A JOINT RESOLUTION appropriating ad-

ditional compensation for officers and employees of the House and Senate and declaring an emergency.

H. Res. No. 3. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest."

The constitutional provision as to the second reading at length of said resolutions having been dispensed with, said resolutions were read for the second time by their titles only and

Ordered that said resolutions be placed in the Orders of the Day.

The House then took up for consideration

H. Res. B. A HOUSE RESOLUTION RELATING to extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Sergeant-at-Arms be directed to invite the pastors of the various churches to attend the meetings of this House and open the sessions thereof with prayer.

Mr. Lowman moved that the said resolution be adopted by the House.

Said motion was agreed to.

Said resolution was adopted.

The House then took up for consideration

H. Res. C. A HOUSE RESOLUTION empowering the Committee on Committees to employ assistants for the House.

Mr. Lowman moved that the said resolution be adopted by the House.

Said motion was agreed to.

Said resolution was adopted.

Mr. Lowman, Chairman of the Committee to which same had been referred reported S. R. 3, a resolution of the following title, viz:

S. R. 3. A CONCURRENT resolution relating to adjournment of the General Assembly.

Said resolution is as follows, viz:

CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and the House of Representatives adjourn today, Wednesday, January 9, 1952, they adjourn to meet again on Monday, January 14, 1952, at 8:00 o'clock, P. M.

With the expression of opinion that same should pass.

Mr. Lowman moved that the House do now concur in S. R. 3.

Said motion was agreed to.

Said resolution was adopted.

Mr. Lowman moved that the House do now adjourn to meet again at 8:00 o'clock p.m., Monday, January 14, 1952.

Said motion was agreed to.

And then the House adjourned.

MONDAY, JANUARY 14, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend William P. Wilhoyte, pastor of the Church of the Nazarene, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Henry Arrowood	Sidney Baer
Dr. John Adkins, Jr.	J. Everett Bach	John Rhea Banton

Clarence J. Barnum	George F. Harris	Tipton Reed
Owen Billington	Farmer Helton	J. F. Robinson
Wm. W. Blanton	William K. Henry	Earl Rogers
R. O. Blevins	Thomas D. Hewlett	Joe Rouse
J. C. Bradley	Henry R. Heyburn	Carl J. Ruh
Ed. T. Breathitt	E. R. Hilton	Amos Runyon
Edward O. Bridgers	Ray Holbrook	Cecil Sanders
Thomas L. Britton	Chester J. Holsclaw	Clem Schroader
Alex H. Calvert	Paul S. Jonas	Gus F. Sheehan, Jr.
Walter J. Chyle, Jr.	William L. Jones	Dr. B. F. Shields
Lewis W. Combest	Jennings Kearby	John A. Sloan
Marvin A. Cornett	James W. Lambert	E. A. Spencer
R. Josh Cosby	Jesse H. Lawrence	Mrs. Thelma Stovall
Charles M. Crowe	Paul M. Lewis	E. H. (Ted) Stumbo
J. C. Denney, Jr.	Mrs. J. T. Linton	Egbert V. Taylor
C. E. Dowell	Harry K. Lowman	Albert Thomason
James A. Dressman, Jr.	William Maglinger	William F. Threlkeld
Thomas R. Duncan	Shelby McCallum	J. B. Veech
R. L. Dunigan	G. Lee McClain	Eulick (Mike) Walsh
Jack Early	Russell L. Meadows	Wm. Thos. Wathen
Harold Edwards	Tom Mobley	L. M. Weathers
William Engle	Robert H. Moore	W. W. Webster
Roscoe Estep	Walter R. Moorman	Hicks Wells
Herbert Fern	Fred H. Morgan	William B. Wells
Wm. P. Friedlander	Earl F. Murphy	W. A. (Pete) Wickliffe
Leslie Gay	Thomas J. Murphy	Charles W. Wirsch
Henry J. Giles	Ewin C. Neville	Walker H. Wiseman
Chas. M. Greene	Bart N. Peak	Garrett L. Withers
Henry C. Hale	Louis T. Peniston	Charles W. Burnley
Eugene B. Hancock	Hobart Rayburn	Speaker

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Mr. Baer moved that the absentees be granted a leave of absence.

The absentees being as follows: Mrs. Burnette, William Engles, John Head, Marion Vance, Morris Weintraub.

Mr. Sheehan moved that the reading of the Journal of the proceedings of Wednesday, January 9, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced and ordered to be printed.

By Messrs. Farmer Helton, E. H. Stumbo, Henry C. Hale, and Ray Holbrook.

H. B. No. 10. AN ACT relating to mines and minerals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Article I.

Section 1. *Definitions.* (1) As used in this Act, unless the context requires otherwise:

(a) "Abandoned workings" means excavations, either caved or sealed, that are deserted and in which further mining is not intended, and open workings that are not ventilated and inspected regularly.

(b) "Active workings" means all places in a mine that are ventilated and inspected regularly.

(c) "Approved" means a device, apparatus, equipment, condition, method, or practice approved in writing by the chief.

(d) "Armored cable" means a cable provided with a wrapping of metal, usually steel wires or steel tape.

(e) "Blower fan" means a fan with tubing used to direct air to a working face.

(f) "Booster fan" means an underground fan installed for use in conjunction with a main fan to increase the volume of air in one or more circuits.

(g) "Chief" means Chief of the Department of Mines and Minerals.

(h) "Department" means the Department of Mines and Minerals.

(i) "Drift" means an opening through the strata, with

opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress, and other purposes in connection with the mining of coal.

(j) "Gassy mine" means any mine that has been classed gassy by the department.

(k) "Ground" means a conducting connection between an electric circuit or equipment and earth or to some conducting body which serves in place of the earth.

(l) "Grounded" means connected to earth or to some conducting body which serves in place of the earth.

(m) "High-potential" means voltages in excess of 600 volts.

(n) "Interested persons" means members of the mine safety committee and other duly authorized representatives of the mine workers' organization having jurisdiction at the mine; Federal and state coal-mine inspectors; and, to the extent required by state law, any other person.

(o) "Mine" means any open cut or underground excavation from which coal is produced for sale, exchange, or commercial use. It includes any open cut or underground excavation operated by a public institution.

(p) "Mine foreman" means the person who the operator or superintendent places in charge of the workings of the mine and of persons employed therein, and is hereby designated as the responsible official underground.

(r) "Nongassy mine" means any mine not classed as a gassy mine.

(s) "Operator" means an individual, firm, or corporation operating a coal mine or any part thereof.

(t) "Permissible" means any equipment, device, or explosive that has been approved as such by the United States Bureau of Mines and meets all requirements in the applicable permissibility schedule.

(u) "Pure intake air" means air that has not passed through any active face workings or inactive workings or by the unsealed entrances to inactive workings, and that is free from poisonous gas, and by analysis contains not less than 20 percent oxygen and not over 0.05 percent of flammable gas.

(v) "Shaft" means a verticial opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation, drainage, or hoisting or lowering men, coal, or materials.

(w) "Slope" means an inclined opening used for the same purpose as a shaft.

(x) "Superintendent" means the person who, on behalf of the operator, has general supervision over one or more mines.

(y) "Tipple" means the structure where coal is dumped or unloaded from the mine-transporting medium into railroad cars, trucks, wagons, or other means of conveyance.

Section 2. *Functions and chief officer of department.* (1) The Department of Mines and Minerals shall be headed by the Chief of the Department of Mines and Minerals.

(2) The department shall administer all laws of this state relating to mines.

Section 3. *Hearings before department.* (1) The department may prescribe rules of procedure and for offering evidence in all matters brought before it, and shall prepare and, on request, furnish to applicants copies of forms of notices and other forms that the department requires to be used, and shall prescribe the manner of serving such notices.

(2) The department shall hold one or more hearings on each matter brought before it. All interested persons shall be given due notice and an opportunity to appear and offer evidence, and to make argument by counsel if desired. The department shall decide each matter in controversy in the manner that seems to it just and reasonable and necessary or desirable for the proper enforcement of the provisions of this Act.

Section 4. *Action to vacate order of department; appeal.* (1) Any party in interest dissatisfied with an order of the department may commence an equitable action against the department and other interested parties, as defendants, to vacate or set aside, in whole or in part, any such order. The action may be brought in the circuit court of the county where the subject matter involved in the order, or the well or workable coal bed or part thereof, is located, or in any other court of competent jurisdiction. The court may grant relief from any unlawful or unreasonable order of the department, and render such judgment as appears to it to be equitable and just.

(2) The pendency of the action shall not of itself suspend the operation of the order of the department, but during the pendency of the action any party may secure from the court an order suspending or staying the operation of the order of the department by giving to the other parties adequate security, approved by the court, against loss due to the delay in enforcement of the order, in case the order under review is not set aside, and the court may, without security being given, suspend the operation of the order, in whole or in part, on such terms as it deems just and in accordance with the practice of courts of equity; provided, however, that the operation of an order pertaining to safety in coal mines shall not be suspended pending final decision of the court.

(3) Appeals may be taken to the Court of Appeals as in other cases.

Section 5. *Chief of department; appointment; term of office; oath; traveling expenses.* On July 13 of every fourth year, beginning with 1950, the Governor shall appoint a Chief of the Department of Mines and Minerals for a term of four years. The oath taken by the chief of the department shall be in writing and certified by the officer administering it, and the oath and certificate shall be filed in the office of the Secretary of State. In addition to the salary, the chief shall be paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties.

Section 6. *Qualifications of chief.* (1) The Chief of the

Department of Mines and Minerals shall be a male citizen of Kentucky with at least fifteen years' mining experience, ten years of which shall have been underground in coal mines of this state. He shall be thoroughly familiar with all methods of safety pertaining to the operation of mines.

(2) The chief shall have a practical knowledge of:

(a) The different systems of working and ventilating coal mines.

(b) The nature, chemistry, and properties of noxious, poisonous, and explosive gases, the dangers due to such gases, and methods for their detection and control.

(c) The dangers incident to blasting and the prevention of such dangers.

(d) The methods for the management and extinguishment of mine fires.

(e) The methods for rescue and relief work in mine disasters.

(f) The application of electricity in mining operations.

(g) The application of mechanical loading in mining operations.

(h) The equipment and explosives manufactured for use in coal mines.

(i) The mechanical features of mine scales and the methods used in properly inspecting and testing such scales.

(j) The methods used in locating oil and gas wells when drilled through any coal seam.

(k) The proper manner of drilling and plugging oil and gas wells.

(l) Mining engineering.

(m) The methods for the prevention of explosions in mines due to gas or dust.

(3) The chief shall be capable of efficiently reporting on any proposed development in mining operations or the possibility of operating any coal seam.

(4) The chief shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine, or have any financial or other interest in any coal mine in this state.

Section 7. *Duties of chief.* (1) The chief of the department shall have full authority over the department and shall superintend and direct the activities of the district mine inspectors and other personnel of the department.

(2) He may, whenever necessary, divide the coal fields of the state into as many inspection districts as there are district mine inspectors, so as to equalize as nearly as practicable the work of each inspector, and shall assign to the inspectors their respective districts.

(3) He may, whenever he deems it necessary in the interest of efficient supervision of the mines, temporarily employ the services of additional inspectors or change inspectors from one district to another.

(4) He shall superintend and direct the inspection of mines and cause to be investigated the character and quality of air in mines whenever conditions indicate the necessity of doing so.

(5) He shall collect statistics relating to coal mining in the state and make an annual report of such statistics.

(6) He shall see that maps, plans, projections and proposed developments of all coal mines are made and filed in his office.

(7) He shall keep a properly indexed, permanent record of all inspections made by himself and the personnel of the department.

(8) He shall exercise general supervision over the training of officials and workmen in safety, first aid, and mine rescue methods, and may conduct demonstrations in safety whenever he deems it advisable.

(9) He shall exercise general supervision over the dissemination of information among officials and employes concerning mine ventilation, mining methods, and mine accidents and their prevention, and shall assume full charge in the event of fire or explosion or other serious accident at any mine in the state.

(10) He may assist in the resumption of operations of any mine or gather data for the development of any coal seams that would be of any benefit to the state or create new employment.

(11) The chief of the department shall make to the Governor an annual report of his proceedings during the preceding calendar year. The report shall be prepared and printed as soon as possible after the close of the calendar year. It shall cover the complete operation of the coal mines in this state during the preceding calendar year, enumerating all accidents occurring in or about any such mine during that year, and giving such other information as the chief deems useful, and making such suggestions as he deems important as to further legislation on the subject of mining.

(12) The chief shall maintain a permanent, indexed record of all inspections made by himself and of all reports relating to inspections of mines furnished to him by district mine inspectors. All such records of the department of mines shall be public records and shall, at all times, be open to the inspection of the public, and shall, at any time, be laid before the Governor upon his request.

Section 8. *Copies of mine inspection reports; fees for.* Upon request accompanied by such fee as is generally charged by courts of record for such services, the department shall furnish certified copies of mine inspection records. All fees collected hereunder shall be paid into the Department of Finance.

Section 9. *Offices of department and of district mine inspectors.* (1) Adequate offices shall be furnished the department by the State University at Lexington, and its main office shall be located there. The department shall have access to the facilities of the Mining Laboratory and Kentucky Geological Survey.

(2) The offices of the district mine inspectors shall be at such

places within their respective districts as the chief designates, and each district mine inspector shall be provided with a suitable office.

Section 10. *District inspectors and inspectors of mine weights; appointment; qualifications; salaries; oath; and bond.* (1) The Governor shall appoint an adequate number of district mine inspectors to insure at least four inspections annually of all mines in the state. One of the appointees shall be designated as an electrical district mine inspector. The Governor shall also appoint not more than eight inspectors of mine weights. The term of office of each district mine inspector and each inspector of mine weights shall be during the period of capable, efficient service and good behavior.

(2) All district mine inspectors and inspectors of mine weights shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, shall possess thoroughly the knowledge required of the chief by section 5 of this Act, and shall have a thorough practical knowledge of mining gained by at least ten years' experience in and about coal mines, at least five of which must have been underground in coal mines in this state.

(3) No person shall be appointed to the office of district mine inspector or inspector of mine weights until he has passed a satisfactory examination before the Board of Examiners. The chief may recommend to the Governor applicants for district mine inspector and inspector of mine weights who have successfully passed the examination and are proved by worth, training, and experience to be the most competent of the applicants.

(4) District mine inspectors and inspectors of mine weights shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine, or have any financial or other interest in any coal mine in this state.

(5) Each district mine inspector and each inspector of mine weights shall receive a salary of not less than four thousand five hundred dollars per annum, nor more than five thousand five hundred dollars per annum, payable monthly, and shall be paid

their necessary traveling and other expenses incurred on account of and when engaged in the discharge of their official duties. Salaries shall be determined by the chief and approved by the Governor, and shall be based on the ability and experience of the inspector.

(6) Each district mine inspector and inspector of mine weights shall take the oath, which shall be certified by the officer administering it. The oath, in writing, and the certificate shall be filed in the office of the Secretary of State.

(7) Each district mine inspector and inspector of mine weights shall give bond with surety approved by the Governor.

Section 11. *Board of Examiners for district mine inspectors, inspectors of mine weights, mine foremen, and fire bosses.* (1) The Board of Examiners for the certification of district mine inspectors, inspectors of mine weights, mine foremen, and fire bosses shall consist of the following members:

(a) The Chief of the Department of Mines and Minerals.

(b) One miner recommended by the miners of the state, holding a mine foreman's certificate of the first class and who has had at least seven years of practical experience underground in the mining of coal, four years of which have been in the mines of this state, and who is actually employed in mining coal in this state at the time of appointment.

(c) One operator recommended by the operators of the state, holding a mine foreman's certificate of the first class and who has had at least seven years of practical experience underground in the mining of coal, four years of which have been in mines of this state, and who is actually engaged in operating a coal mine in this state at the time of appointment.

(2) Each member of the board except the chief shall be appointed by the Governor for a term of four years, and shall be compensated, while on duty status, at the rate of twenty dollars per day plus necessary traveling and other expenses incurred on account of their official duties.

(3) The chief shall be chairman of the board and whenever it is necessary for him to be absent from any meeting of the

board he may designate any member of his department to preside during his absence. The chairman shall keep a record of all proceedings of the board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

(4) Certificates issued by the board shall be valid only when the examination for same has been held in the presence of and signed by all members of such board.

Section 12. *Admission to examination; fee.* (1) The Board of Examiners shall not admit any applicant to take an examination given by it until the applicant has submitted to the board a money order made payable to the Department of Finance in the amount of five dollars.

(2) The board may refuse to examine any applicant who cannot readily understand the written English language or cannot express himself intelligently in English.

(3) Each applicant for a state mine inspector certificate shall be a citizen of the United States and a resident of this state. He shall be not under twenty-eight years of age and have at least ten years experience underground in coal mines, five years of which shall have been in this state.

(4) Each applicant for a mine foreman certificate shall be a citizen of the United States and a resident of this state, or employed at a mine in this state. He shall be not under twenty-five years of age and have at least five years experience underground in coal mines.

(5) Each applicant for a fire-boss certificate shall be a citizen of the United States and a resident of this state, or employed at a mine in this state. He shall be not under twenty-one years of age and have at least three years experience underground in coal mines.

Section 13. *Examinations and certificates.* (1) Each applicant for a state mine inspector certificate shall prove to the Board of Examiners by written and oral examination that he possesses the knowledge required of the chief of the department by subsection (2) of section 6 of this Act.

(2) Each applicant for a first class mine foreman certificate shall prove to the board by written and oral examination, and demonstration where practicable, that he has a thorough knowledge of the theory and practice of coal mining; of the nature and properties of noxious, poisonous, and explosive gases and methods for their detection and control; of the requirements of the state laws pertaining to coal mining; and of the responsibilities and duties of a mine foreman, particularly with respect to the health and safety of the employes under his jurisdiction, as required by state law.

(3) Each applicant for a second class mine foreman certificate shall prove to the board by written and oral examination, and demonstration where practicable, that he has a thorough knowledge of the theory and practice of coal mining; of the requirements of the state laws pertaining to coal mining; and of the responsibilities and duties of a mine foreman, particularly with respect to the health and safety of the employes under his jurisdiction, as required by state law.

(4) Each applicant for a fire boss certificate shall prove to the board by written and oral examination, and by demonstration where practicable, that he has a thorough knowledge of the nature and properties of noxious, poisonous, and explosive gases and methods for their detection and control; of the practical aspects of coal mining especially pertaining to ventilation and roof hazards; and of the responsibilities and duties of a fire boss as required by state law.

(5) The board shall issue a certificate to each person who possesses the qualifications required by law for district mine inspector, inspector of mine weights, mine foreman, or fire boss; has passed the examination given by the board for that certificate with a grade of not less than 85 percent in any subject; and who presents to the board satisfactory evidence, in the form of affidavits made by well known and responsible persons in the locality from which he came, that he is a man of sobriety and good moral character and has had the experience required by law.

(6) Persons possessing state mine inspector certificates, first class mine foreman certificates, or fire-boss certificates issued prior to the effective date of this Act are not affected by this

section. Persons possessing second and third class mine foreman certificates issued prior to the effective date of this Act may continue to act in the capacity of mine foreman or assistant mine foreman at mines of the class specified in their certificate for a period of one year following the effective date of this Act.

(7) The certificate or photostatic copies thereof shall be kept on file in the mine office and shall be available for inspection by interested persons.

Section 14. *Duplicate certificates.* If any district mine inspector, inspector of mine weights, mine foreman, or fire boss misplaces his certificate or it is destroyed, he shall apply to the chief for a duplicate certificate, including with his application an affidavit stating in full how the certificate was destroyed or misplaced, and if the chief deems it proper he shall furnish the district mine inspector, inspector of mine weights, mine foreman, or fire boss with a duplicate certificate. Any person applying for a duplicate certificate shall pay a fee of two dollars to the Department of Finance.

Section 15. *Personnel and general duties.* (1) Each district mine inspector shall devote his entire time and attention to the duties of his office which shall consist of the following:

(a) Inspect coal mines and aid, under the direction of the chief, in carrying out and enforcing the provisions of the laws relating to the inspection of coal mines.

(b) Train officials and workmen in and about the mines in first aid, mine rescue, and accident-prevention methods.

(c) Advise officials and workmen in methods pertaining to safety in all its phases and in particular the methods pertaining to the prevention of roof-fall and haulage accidents, mine fires, and explosions.

(d) Take charge of mine rescue and recovery work whenever a mine fire, mine explosion, or other serious accident occurs within his district and the chief is not present, and assist in such work in other districts when so directed by the chief.

(e) Supervise the reopening of mines or portions of mines that have been sealed on account of fire or any other cause,

when called upon by the owner or operator and directed by the chief to do so.

(f) Inspect each mine in his district at least once every three months, or oftener if necessary, while the mine is in operation, and wherever any danger to the workmen may exist. The inspector shall inspect the surface plant, every working place in the mine, all active haulageways and travelways, entrances to abandoned workings, accessible old workings, at least one entry of each intake and return airway in its entirety, escapeways and other places where men work or travel or where dangerous contions may exist, electric equipment and installations, haulage facilities, first aid equipment, ventilation facilities, communication installations, roof and rib conditions, roof-support practices, blasting practices, haulage practices and equipment, and any other condition, practice, or equipment pertaining to the health or safety of the employes. Also, he shall measure the volume of air at the intake and return of the main ventilating current and of each split thereof, and the amount of air passing through the last break-through in each pair or set of entries, and designate to the mine foreman where measurements of air shall be made as required by this Act. He shall make tests for gas and oxygen deficiency in each underground place which he is required to inspect, and collect samples of mine air and mine dusts for analysis if necessary to determine conditions with respect to gas and coal dust. In mines operated more than one shift in a twenty-four hour period, the inspector shall devote sufficient time on the second and third shift to determine the conditions and practices relating to the health and safety of the employes.

(g) Report each week in writing to the chief the condition of each mine inspected by him.

(h) Forward a copy of his inspection report on a mine to the operator or the superintendent of the mine inspected and another copy to the mine safety committee at such mine within twenty-four hours after the inspection is completed. Such report shall show the specific violations of the mining laws, and recommendations made or action taken to eliminate them.

(i) Post a copy of the inspection report on a bulletin board

at a prominent place on the mine premises where it can be conveniently read by the employes.

(j) File with the chief, within fifteen days after the close of each calendar year, a report of his proceedings during the calendar year and give such information concerning the mines and mining conditions in his district as is appropriate and required by the chief.

(k) Proceed immediately to the scene of any mine accident in his district that causes loss of life or serious personal injury, and to the scene of any mine fire or explosion regardless of whether there is loss of life or personal injury, make such investigation and suggestions and render such assistance as he deems necessary for the future safety of the employes, make a complete report thereon and give such report the same distribution as a regular report of inspection. The report shall be preserved with the other records in the office of the chief and in the office of the district mine inspector. To aid in making such investigations, the chief or the district mine inspector may compel the attendance of witnesses and administer oaths.

(l) Report immediately, and by the quickest available means, any mine fire, mine explosion, and any accident resulting in loss of life, to the chief, to the nearest office of the Federal coal-mine inspector or other representative of the Health and Safety Division of the United States Bureau of Mines, and to the district president of the mine workers' organization having jurisdiction at the mine. Such district president or his designated representative, the mine safety committee at the mine involved, and Federal coal-mine inspectors shall be permitted to actively and fully participate in the investigation, and any hearings connected therewith, of any mine fire, mine explosion, and any accident resulting in loss of life or serious injury.

(m) The chief or district mine inspector shall, and is hereby authorized to, order any mine or section thereof cleared of all persons where, in his opinion, there is imminent or serious danger to the life or health of the employes therein and refuse further entry to any persons, except those necessary to correct such dangerous condition and those permitted to participate in in-

vestigations as provided in this Act, until he determines by actual inspection that the mine or section thereof involved is in safe operating condition. Whenever such a mine or section thereof is ordered cleared of persons by the chief or district mine inspector, he shall immediately thereafter notify the owner, agent, superintendent, or mine foreman of the mine, in writing, setting forth the condition found, and shall forward promptly a copy thereof to his superior, to the nearest office of the Federal coal-mine inspector or other representative of the Health and Safety Division of the United States Bureau of Mines, and to the district president of the mine workers' organization having jurisdiction at the mine.

(2) The duties of the mine operator and superintendent shall be as follows:

(a) Each superintendent shall, on behalf and at the expense of the operator, keep on hand at or within convenient distance of the mine a sufficient quantity of all materials and supplies required to preserve the safety and health of employes, as ordered by the mine foreman and required by law. If the superintendent cannot procure the necessary materials or supplies, he shall at once notify the mine foreman, who shall withdraw the men from the mine until the materials or supplies are received.

(b) The operator or superintendent shall cooperate with the mine foreman and other officials in the fulfillment of their duties under the provisions of this or any subsequent Act pertaining to mining, and shall direct that the mine foreman and all other employes under him comply with the law, especially when his attention is called by the chief or district mine inspector to any violations of the laws.

(c) The superintendent shall keep on hand at the mine a supply of the printed rules, notices, and record books required by this Act. The record books shall be furnished through the chief or district mine inspector on written request of the operator or superintendent. The superintendent shall see that rules, notices, and record books are delivered to the proper persons at the mine and properly cared for and that the rules and notices

are posted in conspicuous places at or near the main entrance to the mine, and that they are kept legible.

(d) For every fifty men or fraction thereof employed underground the operator of each mine shall keep on hand at the mine one properly constructed stretcher in good condition, one woolen blanket, and all other necessary equipment advised by the department.

(e) Each operator shall make available the necessary facilities for all employes to receive first-aid training for the safety of themselves and their fellow workmen.

(f) The operator or superintendent of each mine shall notify the chief immediately of the following occurrences:

1. The abandonment of a mine or section thereof.

2. The resumption of work in a mine after an abandonment or discontinuance for a period of thirty days or more; such mine shall not resume operation until it has been inspected and approved by the chief.

3. Any change in the name of a mine.

(g) The operator or superintendent of each mine shall annually, not later than January 6, make or cause to be made an accurate map of the workings of the mine, on a scale of one hundred, two hundred, three hundred or four hundred feet to the inch, showing the area mined and the forms of the excavations up to January 1, together with the location and connection of the lines of all adjoining lands within one thousand feet of the excavations, and the name of each owner so far as known marked on each tract. The operator or superintendent shall deposit a true copy of the map with the chief within forty-five days after January 1, and another copy of the map shall be kept at the office of the mine.

(h) After making and filing the map with the chief, the operator or superintendent thereafter is required tonly to file annually with the chief, within the time specified, such additional map and statement as is necessary to show the progress of the workings, the amount and forms of excavations, and the prop-

erty lines within one thousand feet of the excavations extended since the date of the preceding map.

(i) The chief may, if he deems it advisable, require any operator or superintendent to furnish a map other than those required in subsections (g) and (h), and the operator or superintendent shall comply immediately with the requirement.

(j) The owner, lessee, or superintendent of each mine shall give at the end of each month and at the end of each calendar year accurate information, on blanks furnished by the chief, as to the number of accidents that have occurred, the number of persons employed, the tons of coal mined, and any other information not of a private nature that the chief requests.

(k) The map kept on the surface at the mine shall be brought up to date at least once every six months by an official survey of all mine workings. The map shall show also the direction of all air currents, the location and condition of all escapeways, the location of doors and overcasts, and any other information required by the chief.

(l) Each operator or superintendent of a mine shall, before making any new or additional opening from the outside, submit to the chief, for his information and approval, a map or plan showing the proposed system of ventilation and equipment of the openings, and their locations and relative positions to adjacent developments. No new or additional openings to any mine shall be made without the approval of the chief.

(3) Each mine employing more than twenty-five men during any twenty-four hour period, and all gassy mines, shall be supervised by a mine foreman who possesses a first-class mine foreman certificate. Each nongassy mine employing twenty-five men or less during any twenty-four hour period shall be supervised by a mine foreman who possesses a first or second class mine foreman certificate. When the mine workings become so extensive that the mine foreman is unable personally to carry out the duties required of him by law, the operator or superintendent shall employ a sufficient number of persons who possess mine foreman certificates as required under this Act, to act as assistants to the mine foreman and under his instructions.

(a) The mine foreman shall see that the requirements of the mining laws of this state that pertain to his duties and to the health and safety of the employes are fully complied with at all times. Where it is necessary that the mine foreman be temporarily absent from the mine, he shall place the mine in charge of a properly certified assistant.

(b) It shall be the duty of the mine foreman, assistant mine foreman, and section foreman of every mine to see that every person employed to work in a mine shall, before beginning work therein, be instructed in all dangers incident to his work in the mine. It shall be the duty of the mine foreman to see that every person employed in the mine shall be furnished with copies of the state mining laws and the printed rules pertaining to such mines.

(c) Every inexperienced person employed underground shall be required to work with and under the direction of an experienced person for a period of at least one year following his employment.

(d) The mine foreman shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss, or any other person working in the mine, and in case it is impracticable to remove the danger at once he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous condition exists.

(4) Each fire boss shall be the holder of a fire boss certificate or first class mine foreman certificate, and he shall see that the requirements of the mining laws of this state that pertain to his duties are complied with at all times.

(a) The record books of the fire bosses shall, at all times during working hours, be accessible to the district mine inspector and to any other interested persons. Once each week each fire boss shall furnish the district mine inspector a copy of his records which the district mine inspector shall preserve.

(b) In the performance of his duties the fire boss shall have no superior officer, and all the employes working inside the mine shall be subordinate to him in his particular work.

(5) Operators of electric face equipment in gassy mines shall undergo and pass an examination to determine their fitness to detect explosive gas before they are permitted to have charge of electric face equipment unless accompanied by a certified fire boss, or by a machine runner or helper who has passed such an examination. The examination shall be given by the district mine inspector upon forms furnished by the department. A copy of the examination shall be retained on file at the mine office, and the original shall be sent to the department fully made out and signed by the applicant and by the district mine inspector. The duties of the operator of electric face equipment employed in a gassy mine are as follows:

(a) He shall make a thorough examination of the working place for gas before the electric face equipment is moved or operated inby the last open breakthrough in the place where such equipment is to work, unless the examination is made by some other certified person. If any explosive gas is found in the place such equipment shall not be taken therein until the gas is removed.

(b) He shall make an examination for gas, in a gassy mine, at not more than ten-minute intervals during the time the equipment is in operation at the face. If gas is found, he shall disconnect the power from the equipment and leave it disconnected until the gas is removed and the place is reported safe by a certified official.

(6) No person shall knowingly injure any shaft, lamp, instrument, air course or brattice, obstruct or throw open airways, disturb any part of the machinery or appliances, open a door used for directing ventilation without closing it afterwards, enter any part of a mine against caution, disobey any order given in carrying out any of the provisions of this Act, do any act endangering the life or health of any person employed in the mine, or endangering the security of the mine, or enter or be about any mine while intoxicated or under the influence of alcohol.

Section 16. *Revocation of certificates; reexamination.* Upon written charges preferred by the board or by some interested

person, and upon due notice to the holder thereof and a hearing thereon, any certificate granted before or subsequent to the effective date of this Act may be revoked by the Board of Examiners. Complaint may be filed against the holder of a certificate for intoxication while in duty status, mental disabilities, neglect of duty, violation of the mining laws of this state, or other sufficient cause. The holder of a certificate so revoked shall be entitled to reexamination by the board after three months have elapsed from the date of revocation thereof; provided he can prove to the satisfaction of the board that the cause for revocation of his certificate has ceased to exist.

Section 17. *Inspection of mine scales, fee.* (1) The inspectors of mine weights shall inspect and test all scales, except railroad scales, used in connection with any mine in this state, and shall determine their mechanical condition and accuracy. Each operator or superintendent shall render such assistance to the inspector of mine weights as may be necessary in conveying and handling the weights and other appliances that are needed for the proper inspecting and testing of scales. The inspector of mine weights shall leave a written record with the mine operator or superintendent as to the condition of the scales inspected and shall post in the weigh office a record of the inspection of the scales. If, upon inspecting and testing any mine scale, the inspector deems it necessary that the scale have any parts replaced, or that the scale be reconditioned or the foundation or building repaired or renewed, the operator or superintendent shall comply immediately with his recommendations.

(2) Each operator shall pay a fee of fifteen dollars to the Department of Finance for each mine scale inspection.

Section 18. *Mine rescue divisions and stations; supplies and equipment.* The chief shall partition the coal fields of the state into mine rescue divisions, of which there shall be at least two in the western coal field and at least four in the eastern coal field. In each division there shall be a station, the location of which shall be determined by the chief, and there shall be kept at each station apparatus, appliances, and supplies for use in the work of rescue and relief upon the occurrence of explosions or mine fires, and for the training of officials and miners in mine

rescue work. The chief shall provide each station and himself with the necessary instruments, appliances, apparatus, chemicals, and trucks, and shall designate one of the district mine inspectors to have charge of each station.

Section 19. *Workmen's compensation.* The personnel of the Department of Mines and Minerals is subject to the provisions of the workmen's compensation laws of this state.

Section 20. *License required to operate mine; fee; penalty.* (1) Within forty-five days after January 1, 1953, and of each year thereafter, the owner, operator, or lessee of each mine shall procure from the department a license to operate such mine, and such license shall not be transferable. Any owner, operator, or lessee who assumes control of a mine, opens a new mine, or reopens an abandoned mine during any calendar year shall procure a license before mining operations are begun.

(2) The license shall be made of metal or other durable material, and shall be kept posted at a conspicuous place near the main entrance to the mine.

(3) Request for a license shall be made to the department and shall be accompanied by a post office money order or cashier's check drawn in favor of the Department of Finance in an amount of ten dollars for each license for each mine.

(4) Any owner, operator, or lessee who fails to obtain a license as required by this section shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five hundred dollars at the discretion of the court.

Section 21. *Facilities for inspection; petition for reopening mine; notice of hearing.* (1) The operator or superintendent of each mine shall furnish the chief and district mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(2) The owner or operator of any mine closed by order of the chief or district mine inspector may by petition apply to the circuit court of the county where the mine is located, or to the judge thereof in vacation, for an order directing the mine to be reopened, and the court or judge shall immediately hear and

determine the matters arising upon the petition. If, upon full hearing thereof, the court or judge finds that the mine is in a reasonably safe condition, the prayer of the petition shall be granted; provided, however, that the operation of any order of the chief or district mine inspector requiring the closing of a mine or any part thereof shall not be suspended temporarily pending final decision of the courts.

(3) Notice of such hearing shall be given to the chief and the district mine inspector at least three days before the hearing, and in all such hearings the Attorney-General, the Commonwealth's attorney, or the county attorney of the circuit court district or county in which the mine is situated shall appear for the state and defend the action.

Section 22. *Authority to inspect mines from which coal is produced for personal use.* The chief and district mine inspector are hereby authorized to inspect any mine not otherwise covered in this Act, and to order the withdrawal of men from such mine in which, in his opinion, dangerous conditions exist. The operator of such mine and persons employed therein shall comply with the orders and regulations issued by the chief or district mine inspector.

Section 23. *Appeal by miners from inspection by district mine inspector.* If a majority of the employes of any mine are dissatisfied with the inspection of the mine made by a district mine inspector, they may appeal in writing to the department, setting forth clearly and in detail the cause for their dissatisfaction. The chief shall carefully consider the appeal and take prompt action by ordering another inspection to be made by the district mine inspector, either alone or in company with another district mine inspector detailed by the chief for the purpose if that course appears to him to be warranted by the facts set forth in the appeal, or the chief may take such other action as appears to him just and proper. The appeal shall be signed by the dissatisfied persons.

Section 24. *Mine scales.* (1) The operator or superintendent of each mine shall provide at the tipple or dumping point of the mine suitable and accurate scales for the weighing of coal

for which the miners are to be paid, and when differences arise between the operator or superintendent of the mine and miners as to the accuracy or capacity of the scales and such differences cannot be adjusted locally, the question shall be referred to the Department of Mines and Minerals. The department shall inspect and test the scales as early as practicable after receiving notification. If the inspecting officer of the department finds the scales inaccurate or defective beyond the limit permitted by the department, he shall notify the operator or superintendent of the mine, and the scales shall immediately be repaired and made accurate, or accurate scales substituted therefor. If the inspecting officer finds the scales to be weighing within the limits prescribed by the department, he shall so advise the operator, the superintendent, and representative of the miners in a manner prescribed by the chief.

(2) Where coal is loaded by mechanical means by the day or by the car, subsection (1) does not apply.

(3) No person shall tamper with any mine scale except to adjust the tare weights for the different types of mine cars and to balance the scales.

Section 25. *Checkweighman.* (1) When a majority of the miners in any mine request the operator of the mine to allow the miners to employ, at their own expense, a checkweighman to inspect the weights at the mine, and see that all coal mined is properly weighed and accounted for, and perform only such duties as will insure that the coal is properly weighed and correctly accounted for, the operator shall permit a checkweighman to be employed by the miners making the request, provided the person so employed has the reputation of being an honest, trustworthy, discreet, sober, and upright man. The checkweighman shall be an employe of the mine, unless no employe is a suitable person, in which case the miners may, by agreement with the operator, elect some other person who is suitable. No checkweighman shall hold any other office or have any other duties than as checkweighman. The checkweighman shall be elected by a majority of the employes of the mine engaged in mining and loading coal, and the election shall be properly conducted by secret ballot at the principal entrance to the mine. The election

of each checkweighman shall be approved by the county judge of the county, on presentation of an affidavit stating that the checkweighman has been duly and properly elected in accordance with the provisions of this section.

(2) The checkweighman shall have free access to the mine scales while the mine is in operation or the scales are being tested. No agent or employe of the operator shall hinder or prevent the checkweighman in the performance of his duties in a proper manner, and no checkweighman shall prevent the weighman or other employe of the operator from performing his duties in a proper manner.

(3) The operator or the superintendent shall see that cars are tared, in their usual running condition, at reasonable intervals.

Section 26. *Payment of miners.* Any operator of a mine shall, on or before the fifteenth and thirtieth days of each month, pay to each employe, within fifteen days of the aforesaid fifteenth or thirtieth day, respectively, in lawful money of the United States, the full amount of wages due him, unless prevented by an unavoidable casualty. If, at any time of payment, the employe is absent from his place of labor he shall be entitled to such payment at any time thereafter on demand.

Section 27. *Coercion of trade of miners prohibited.* (1) No person operating a mine shall require any employe to deal with or purchase merchandise of any kind from any person or at any place.

(2) No such employer shall exclude from work, punish, or blacklist any employe for failure to deal with or purchase merchandise of any kind from any person or at any place.

Section 28. *Publication and distribution of mining laws.* the mining laws of this state shall be published by the department and made available without cost to all miners and operators in the state within 6 months after the date of passage of this Act.

ARTICLE II

Section 29. *Surface regulations.* (1) Tipple and cleaning plant.

(a) In dusty locations, electric motors, switches, lighting fixtures, and controls shall be protected by dust-tight construction.

(b) Structures shall be kept free of coal-dust accumulations.

(c) Where coal is dumped at or near air intake openings, provisions shall be made to prevent the dust from entering the mine.

(d) Where repairs are being made to the plant, or where equipment or material is being used or transported overhead, proper scaffolding or proper overhead protection shall be provided.

(e) Welding or cutting with arc or flame shall not be done in dusty atmospheres or dusty locations, and fire-fighting apparatus shall be ready available during such operations.

(2) Lamp house.

(a) Naphtha or other flammable liquids in lamp houses shall be kept in safe containers and safe dispensers.

(b) All lamps used for portable illumination, flame safety lamps, and methane detectors or indicators shall be of permissible type and maintained in permissible condition. Such lamps shall be properly cleaned, assembled, and checked by a qualified lamp attendant or other competent person before each period of use. Persons to whom safety lamps are issued shall check such lamps and be satisfied that they are in proper condition before taking them underground.

(c) Flame safety lamps, cap lamps, other devices used for portable illumination, and methane detectors or indicators, when not in actual service, shall be kept on the surface in the custody of a competent person.

(3) Stairways, platforms, and runways.

(a) Stairways, platforms, and runways shall be provided where men work or travel above ground.

(b) Stairways, elevated platforms, floor openings, and

elevated runways shall be equipped with suitable handrails or guardrails.

(c) Elevated platforms, floor openings, stairways, and runways shall be provided with toeboards; the platforms, stairways, and runways shall be kept clear of stumbling and slipping hazards and maintained in good repair.

(4) Housekeeping.

(a) Good housekeeping shall be practiced in and around mine buildings and yards. Such practices include cleanliness, orderly storage of materials, and the removal of possible sources of injury, such as stumbling hazards, protruding nails, broken glass, and falling and rolling materials.

(5) Lighting.

(a) Lights shall be provided as needed in or on surface structures.

(b) Roads, paths, and walks outside of structures shall be kept free from obstructions and shall be well illuminated if used at night.

(6) Surface fire prevention.

(a) Oil, grease, and similar flammable materials shall be kept in closed containers, separate from other materials so as not to create a fire hazard to nearby buildings or mines. If oil or grease is stored in a building, the building or room in which it is stored shall be of fireproof construction and well ventilated.

(b) Oily rags, oily waste, and waste paper shall be kept in closed metal containers until removed for disposal.

(c) Smoking shall be prohibited in or around oil houses, explosives' magazines, tipples, and other places where such practice may cause a fire or explosion.

(d) All structures within one hundred feet of any mine opening shall be of reasonably fireproof construction, or made reasonably fireproof.

(e) The area within one hundred feet of all mine openings shall be kept free of combustible material; provided, however,

however, that this shall not apply to the temporary storage of not more than a one-day supply of such materials.

Section 30. *Control of roof, face, and ribs.* (1) Support standards.

(a) Adequate minimum standards for systematic support suitable to the roof conditions and mining system of each mine shall be adopted and followed. Such standards shall show the minimum number and the location of supports, such as posts, cross bars, or bolts, that shall be installed. Irrespective of natural conditions, the plan shall require some support at all working faces.

(b) Such standards shall be posted conspicuously near the main entrance to the mine at prominent locations in each working section of the mine.

(c) Supports additional to those required by the minimum standards shall be installed, as needed to afford adequate protection.

(d) Before roof-bolting is adopted as a means of support a written permit shall be obtained from the chief. The effectiveness of roof bolting shall be proved by experimental installations made in rooms or back entries where there is likely to be little travel after completion. Such experimental installations of bolts shall be accompanied by adequate conventional timbering. After such experimental area has been abandoned for regular travel, the timbers may be removed and the effectiveness of the bolts observed over a period of several months. On the basis of these observations, the minimum systematic support standards shall be determined.

(e) The method of mining followed shall not expose the workmen to unusual dangers caused by excessive widths of rooms and entries, faulty pillar-recovery methods, or other dangerous mining methods.

(2) Support supplies and methods.

(a) The management shall provide at or near the working faces an ample supply of suitable materials of proper size with which to secure all working places in a safe manner.

(b) Safety posts, jacks, or temporary cross bars shall be set close to the face before other operations are begun, and as needed thereafter.

(c) Safety posts or jacks shall be used to protect the workmen when roof material is being taken down, cross bars are being installed, roof-bolt holes are being drilled, and when roof bolts are being installed.

(d) All underground working places, travelways, and haulageways shall be secured sufficiently to protect employes from falls of roof, face, or ribs. Loose roof and overhanging or loose faces and ribs shall be taken down or supported.

(e) Supports knocked out accidentally shall be replaced promptly. Supports in active workings shall not be removed deliberately unless equivalent protection is provided.

(f) Except those persons assigned to install supports or to inspect the place, no one shall advance under unsupported roof at working faces.

(3) Testing of roof, face, ribs, and roof bolts.

(a) The management shall instruct all workmen in the proper testing of roof, face, and ribs.

(b) Before starting work or before starting a machine, and frequently thereafter, persons exposed to danger from falls of roof, face, and ribs shall examine and test the roof, face, and ribs. When dangerous conditions are found, they shall be corrected immediately by taking down the loose material or by proper timbering before work is continued or any other work is done, or the place shall be vacated.

(c) At least once each shift, or oftener if necessary, and during each visit, a certified official shall examine and test the roof, face, and ribs of each active working place while the men are working therein. Any place in which a dangerous condition is found by the foreman shall be made safe in his presence or the workmen shall be withdrawn.

(d) At least once each day the mine is in operation, or oftener if necessary, a certified official shall examine the roof

and ribs of each passageway, and the supports therein, where men work or travel, and a record of such examination shall be made in an official record book of the mine. Any dangerous condition found shall be corrected promptly, or traffic thereunder shall be discontinued until the danger has been removed.

(e) When there is danger of coal rolling on a person during or after cutting, it shall be spragged by placing blocks in the cut or by blocking with leaning posts.

(f) A bar of proper length shall be used to bar down loose material.

(g) Cross bars and their supports shall be braced or otherwise secured to prevent their being knocked out of position.

(h) Installed roof bolts shall be tested by qualified persons designated by the mine foreman.

(4) Recovery of supports.

(a) Recovery of permanent timber shall be done only by experienced men using mechanical means, and persons so engaged shall not be permitted to work alone. Installed roof bolts shall not be recovered.

Section 31. *Explosives and blasting.* (1) Surface magazines.

(a) Separate surface magazines shall be provided for the storage of explosives, detonators, and Cardox heater elements.

(b) Surface magazines for storing and distributing explosives in amounts exceeding 125 pounds shall be:

1. Reasonably bulletproof and constructed of incombustible material or covered with fire-resistive material. The roofs of magazines so located that it is impossible to fire bullets directly through the roof from the ground need not be bulletproof, but where it is possible to fire bullets directly through them, roofs shall be made bullet-resistant by material construction, or by a ceiling that forms a tray containing not less than a four-inch thickness of sand, or by other methods.

2. Provided with doors constructed of three-eights inch

steel plate lined with a two-inch thickness of wood, or the equivalent.

3. Provided with dry floors made of wood or other nonsparking material and have no metal exposed inside the magazine.

4. Provided with suitable warning signs so located that a bullet passing directly through the face of a sign will not strike the magazine.

5. Provided with properly screened ventilators.

6. Equipped with no openings except for entrance and ventilation.

7. Kept locked securely when unattended.

(c) Surface magazines for storing detonators and Cardox heater elements need not be bulletproof, but they shall be in accordance with other provisions for storing explosives.

(d) Explosives or Cardox heater elements in amounts of 125 pounds or less, or 5,000 detonators or less, shall be stored in accordance with preceding standards or in separate locked box-type magazines. Box-type magazines may also be used as distributing magazines when quantities do not exceed those mentioned. Box-type magazines shall be constructed strongly of two-inch hardwood or the equivalent. Metal magazines shall be lined with nonsparking material. No magazine shall be placed in a building containing oil, grease, gasoline, waste paper, or other highly flammable material, nor shall a magazine be placed less than twenty feet from a stove, furnace, open fire, or flame.

(e) Explosives-distributing magazines shall be not less than one hundred feet from any mine opening or from any building used or occupied by any person; and all magazines used for storing explosives in excess of an estimated daily supply shall be located not less than five hundred feet from any mine opening or from any building used or occupied by any person.

(f) The supply kept in distribution magazines shall be limited to approximately one day's requirements, and such supplies of explosives and detonators may be distributed from the

same magazine, if separated by at least a four-inch substantially fastened hardwood partition or the equivalent.

(g) The area surrounding magazines for not less than twenty-five feet in all directions shall be kept free of rubbish, dry grass, or other materials of a combustible nature.

(h) If the explosives magazine is illuminated electrically, the lamps shall be of vapor-proof type, installed and wired so as to present minimum fire and contact hazards.

(i) Only nonmetallic tools shall be used for opening wooden containers. Extraneous materials shall not be stored in an explosives, detonator, or Cardox heater element magazine.

(j) Smoking, carrying smokers' articles, or open flame shall be prohibited in or near any magazine.

(2) Cardox charging station.

(a) A Cardox charging station shall:

1. Be in a fireproof structure on the surface or isolated from other operations in the same building by a substantial fireproof partition. Such installation shall be approved in writing by the chief.

2. Be provided with at least two methods of relieving excess pressure in the storage tank, at least one of which shall be automatic. If one of these methods is a valve, the valve shall be tested monthly.

(b) The daily supply of heater elements shall be kept in a box-type magazine.

(3) Underground transportation.

(a) Explosives or detonators carried anywhere underground by any person shall be in individual approved containers. Such containers shall be constructed substantially of nonconductive material, maintained in good condition, and kept closed.

(b) When explosives or detonators are transported underground in cars moved by means of a locomotive or rope, or in shuttle cars, they shall be in approved substantial covered cars or

in approved special substantial covered containers use specifically for transporting detonators or explosives.

1. The bodies and covers of such cars and containers shall constructed or lined with nonconductive material.

2. If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least four-inch substantially fastened hardwood partition or the equivalent.

3. Explosives, detonators, Cardox shells, or other blasting devices shall not be transported on the same trip with men.

4. When explosives or detonators are transported in special cars or containers in cars, they shall be hauled in special trips not connected to any other trip; provided, however, that this shall not prohibit the use of such additional cars as needed to lower a rope trip, or to haul supplies, including timbers; and provided further that materials so transported shall not project above the top of the car. In no case shall flammable materials such as hay, oil, or grease be hauled on the same trip with explosives.

5. Explosives or detonators shall not be hauled into or out of a mine within five minutes preceding or following a man-trip or any other trip. If traveling against the air current the man-trip shall precede the explosives trip; if traveling with the air current the man-trip shall follow the explosives trip.

(c) Explosives and detonators shall be transported underground by belt only under the following conditions:

1. In the original and unopened case, in special closed cases constructed of nonconductive material, or in suitable individual containers.

2. Clearance requirements shall be the same as those for transporting men on belts.

3. Suitable loading and unloading stations shall be provided.

4. Stop controls shall be provided at loading and unload-

ing points, and an attendance shall supervise the loading and unloading of explosives and detonators.

(d) Neither explosives nor detonators shall be transported on flight or shaking conveyors, scrapers, mechanical loading machines, locomotives, cutting machines, drill trucks, or any self-propelled mobile equipment; provided, however, that this shall not prohibit the transportation of explosives or detonators in special closed containers in shuttle cars or in equipment designed especially to transport such explosives or detonators.

(4) Underground storage.

(a) When supplies of explosives and detonators for use in one or more sections are stored underground, they shall be kept in approved section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a reasonable dry, well rock-dusted location protected from falls of roof.

(b) When explosives or detonators are stored in the same section, preferably they shall be kept in separate approved boxes or magazines not less than twelve feet apart; if kept in the same box or magazine they shall be separated by at least a four-inch substantially fastened hardwood partition or the equivalent. Not more than a forty-eight hour supply of explosives or detonators shall be stored underground in such boxes or magazines.

(c) Explosives and detonators, kept near the face for the use of workmen, shall be kept in separate approved individual closed containers, in niches in the rib, not less than twelve feet apart, at least fifty feet from the working face and out of line of blast. Such containers shall be constructed of substantial material and maintained electrically nonconductive. Where it is physically impracticable to comply with such distance requirements, the explosives and detonator containers shall be stored in the safest available places not less than fifteen feet from any pipe, rail, conveyor, roadway, or power line, not less than twelve feet apart, and at least fifty feet from the working face and out of line of blast.

(d) Explosives and detonators shall remain in containers until immediately before use at the working face.

(e) Only nonmetallic tools shall be used for opening wooden explosives' containers. Tools or other materials shall not be stored with explosives or detonators.

(5) Blasting practices.

(a) All explosives used underground in coal mines shall be of the permissible type and shall be used as follows:

1. Fired only with electric detonators of proper strength.

2. Fired with permissible shot-firing units, unless firing is done from the surface when all men are out of the mine.

3. Boreholes in coal shall not be drilled beyond the limits of the cut where the coal is cut, nor into the roof or floor.

4. Boreholes shall be cleaned, and they shall be checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged.

5. All blasting charges in coal shall have a burden of at least eighteen inches in all directions if the height of the coal permits.

6. Boreholes shall be stemmed with at least twenty-four inches of incombustible material, or at least one-half of the length of the hole shall be stemmed if the hole is less than four feet in depth.

7. In gassy mines, examinations for gas shall be made immediately before firing each shot or group of multiple shots and after blasting is completed.

8. Shots shall not be fired in any place where methane can be detected with a flame safety lamp.

9. Charges exceeding one and one-half pounds, but not exceeding three pounds, shall be used only if boreholes are six feet or more in depth, the explosives are charged in a continuous train, with not cartridges deliberately deformed or crushed, with all cartridges in contact with each other, and with the end cartridges touching the back of the hole and the stemming respectively, and Class A or Class B permissible explosives are used. Provided, however, that the three-pound limit shall not apply to solid rock work.

10. Competent persons shall be designated to fire shots, and they shall comply with the requirements of this Act pertaining to blasting. In gassy mines, the chief and the district mine inspector may require the operator to employ competent shot firers to fire shots.

11. Boreholes shall not be charged while any other work is being done at the face, and the shot or shots shall be fired before any other work is done in the zone of danger from blasting except that which is necessary to safeguard the employes.

12. Only nonmetallic tamping bars shall be used for charging and tamping boreholes. This does not prohibit the use of a nonmetallic tamping bar with a nonsparking metallic scraper on one end.

13. The chief shall prescribe in writing the conditions under which solid shooting may be done in any mine.

14. The leg wires of electric detonators shall be kept shunted until ready to connect to the firing cable.

15. Shots shall not be fired from the power or signal circuit while any men are in the mine.

16. The roof and faces of working places shall be tested before and after firing each shot or group of multiple shots.

17. Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through.

18. Mixed types or brands of explosives shall not be charged or fired in any borehole.

19. Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

20. Power wires and cables that could contact blasting cables or leg wires shall be deenergized during charging and firing.

(6) Blasting cables.

(a) Blasting cables shall be:

1. Well insulated and as long as may be necessary to permit the shot firer to get in a safe place around a corner.

2. Short-circuited at the battery end until ready to attach to the blasting unit.

3. Staggered as to length or the ends kept well separated when attached to the detonator leg wires.

4. Kept clear of power wires and all other possible sources of active or stray electric currents.

(7) Misfires.

(a) Where misfires occur with electric detonators, a waiting period of at least five minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery ends short-circuited before electric connections are examined.

(b) Explosives shall be removed by firing a separate charge at least two feet away from, and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out.

(c) A very careful search of the working place, and, if necessary, of the coal after it reaches the tipple shall be made after blasting a misfired hole, to recover any undetonated explosive.

(d) The handling of a misfired shot shall be under the direct supervision of the mine foreman or a certified person designated by him.

(8) Cardox.

(a) The provisions governing the handling, storage, and transportation of explosives shall apply to the heater elements of Cardox blasting devices prior to their installation in the shells.

(b) Charged Cardox shells shall, except where transported on rubber belts, be transported underground in approved covered insulated cars or in approved covered insulated boxes placed in ordinary mine cars or shuttle cars. They shall be stored on wooden racks or in insulated containers in a breakthrough or idle

room neck at least ten feet from pipe lines, power lines, conveyors, roadways, and haulage tracks, and shall not be removed from such rack or container or wired until ready to use at the face.

(c) Where Cardox is used for blasting, the following shall apply:

1. When Cardox is fired all persons in the vicinity, including the shot firer, shall be around a second corner or in an equally safe place.

2. Blasting cables shall be as long as may be necessary to assure the safety of the shot firer, attached only after the charge has been placed in the borehole, and maintained in good repair.

3. Power wires and cables that could contact blasting cables or leg wires shall be deenergized during charging and firing.

4. The charge shall be detonated with a permissible shot-firing unit.

5. Cardox shall not be shot off the solid, over heavy rock binders or shale, or in a "tight" shot.

6. Cardox misfires shall not be approached until after the elapse of five minutes and shall be handled under the supervision of a certified person.

7. Misfired shells shall be bled off before complete removal from the hole and marked conspicuously upon such removal.

8. All protruding wires shall be removed from shells before the shells are removed from the face.

9. In gassy mines, examinations for gas shall be made immediately before and after firing each shot or group of multiple shots.

10. Shots shall not be fired where methane can be detected with a flame safety lamp.

11. Cardox shells shall not be heated. This does not apply to heat generated when the shell is discharged.

(9) Compressed air blasting.

(a) Where compressed air is used for blasting or breaking down the coal, the following shall apply:

1. Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel air lines tested to withstand an approximate pressure of twenty thousand pounds per square inch.

2. Air lines shall be grounded at the compressor and, if possible, at other low-resistance ground connections along the lines, such as at borehole casings. They shall not be connected in any way to tracks, water lines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track.

3. Unions shall be installed in steel air lines at not more than one thousand-foot intervals, and insulated couplings shall be installed at the inby ends of such lines.

4. Shut-off valves shall be installed every one thousand feet in all compressed-air blasting lines and in all branch lines at a point near the main lines.

5. Compressed-air blasting lines shall be protected at places where equipment passes over, under, or adjacent to them.

6. Steel or copper lines shall not be handled or repaired when air pressure is in the line.

7. Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found.

8. Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically because of the dangers from kinks and crystallization.

9. Blow-down valves shall not be less than forty-five feet from the face and shall be around a right angle.

10. Holes for compressed-air tubes shall be within the limits of the cut, and shall not be drilled until the coal is cut.

11. The tube shall be pushed to he back of the drill hole and then withdrawn six to twelve inches to form an air cushion.

12. When blow-down valves are opened to discharge the tube, they shall remain open until time to place the tube in the next borehole.

13. After breaking down the coal in any one place, the tube shall be disconnected at once from the air line and not reconnected until ready to be used in the next place.

14. When a tube fails to discharge, the line leading to the tube shall be disconnected at the blow-down valve, and the tube shall be dragged by means of the line to an abandoned place, marked with warning signs, and left for twelve hours before any repair work is done thereon.

15. All persons shall be removed from adjoining working places where there is danger of breaking through and shall be at a safe distance around a right angle while coal breaking is in progress.

Section 32. *Ventilation and mine gases.* (1) Main fans.

(a) All mines shall be ventilated by means of main fans installed as follows:

1. On the surface.

2. In fireproof housings.

3. Offset not less than fifteen feet from the nearest side of the mine opening; provided, however, that this shall not apply to present fans that are offset any distance from the mine opening if they otherwise comply with the provisions of this paragraph, i.e. paragraph (a).

4. Equipped with fireproof air ducts and ample means of pressure relief.

5. In lieu of requirements for the location of the fan and pressure-relief facilities, the fan may be directly in front of, or over, the mine opening; provided, however, the opening is not in direct line with possible forces coming out of the mine if an explosion occurs, and provided further that there is another opening having a weak-wall stopping or explosion doors that would be in direct line with the forces coming out of the mine

if an explosion occurs, such opening to be not less than fifteen feet nor more than one hundred feet from the fan opening.

6. Main fans shall not be permitted underground at any time.

(b) Main mine fans shall be installed to permit the reversal of air flow and, unless the fan is attended constantly, shall be provided with an automatic device to give alarm when the fan slows down or stops. This device shall be placed so that it will be seen or heard by a responsible person.

(c) At gassy mines, main fans shall be on separate power circuits independent of any mine circuit.

(d) Where physical conditions permit, the area surrounding main fan installations shall be kept free of combustible material for at least one hundred feet in all directions.

(e) The fan shall be inspected daily and a record kept of the inspection, which shall be open for inspection by interested persons.

(f) When the main fan of a gassy mine fails or stops, the power shall be cut off the mine and the men shall be withdrawn from the face regions. If ventilation is restored within a reasonable time, the face regions and other places where methane is likely to accumulate shall be examined by properly certified persons, and if found to be free of explosive or harmful gas, power may be restored and work resumed. If ventilation is not restored within a reasonable time as determined in advance and posted at the mine but in no case more than thirty minutes, all persons shall be removed from the mine. The main fan shall be operated for a period of not less than two hours, and thereafter the mine shall be examined by properly certified persons before the men are permitted again underground. The power wires underground shall not be energized until the mine is reported safe following such examination.

(g) When the main fan of a nongassy mine fails or stops and cannot be started within a reasonable time, the men shall be withdrawn from the face regions. If ventilation is not restored within a reasonable time, to be determined as provided

in paragraph (f) all persons shall be removed from the mine, and the mine shall be examined by properly certified persons before the men are permitted again underground.

(h) Main fans shall be operated continuously except when the mine is shut down with all men out of the mine. If the main fan of a gassy mine is stopped after all men are out of the mine, the fan shall be operated for a period of at least two hours before any man is allowed underground.

(i) Where electric power is available, main mine fans shall not be powered by means of gasoline-powered engines; provided, however, that where electric power is not available, or for emergency use, main mine fans may be powered with internal-combustion engines, but they shall be surrounded with safeguards as follows:

1. The fan shall be operated exhausting, except for emergency use.

2. The engine operating the fan shall be offset at least ten feet from the fan and housed in a separate fireproof structure.

(j) Main fans at gassy mines shall be provided with pressure-recording gages.

(2) Booster fans and blower fans with tubing.

(a) After the effective date of this Act the installation or use of booster fans in any mine shall be prohibited.

(b) Blower fans with tubing shall not be used underground except to ventilate shaft-and slope-sinking operations and their underground connections, the faces of rock tunnels driven between two coal seams or through faults and wants, and they shall be surrounded with safeguards as follows:

1. Each fan shall be powered with a permissible driving unit and installed on the intake-air side of the entrance of the place to be ventilated not less than sixteen feet from the nearest rib of such entrance.

2. The volume of air in which the fan is placed shall be at least two and one half times the manufacturer's maximum rated capacity of the fan.

3. The fan tubing shall be maintained in good condition. The discharge end of the tubing shall be kept within thirty feet of the face.

4. Places in gassy mines ventilated by means of blower fans shall be examined for methane by a properly certified person before the fan is started at the beginning of the shift and after any interruption of fan operation for five minutes or more during the shift.

5. Accumulations of methane shall not be moved by means of a blower fan and tubing.

6. The fan and tubing shall be inspected by a properly certified person at least twice during each working shift.

(3) Volume of air.

(a) The quantity of air passing through the last open breakthrough in any pair or set of active entries shall be not less than six thousand cubic feet a minute; provided, however, that in nongassy mines that have been developed not more than one thousand feet from the main intake air opening, the quantity may be less than six thousand cubic feet per minute at the discretion of the chief and the district mine inspector. The quantity of air reaching the last breakthrough in any pair or set of entries in pillar-recovery sections may be less than six thousand cubic feet a minute if at least six thousand cubic feet of air a minute is being delivered to the intake end of the pillar line.

(b) Under all conditions, the air current at working faces shall have a sufficient volume and velocity to readily dilute and carry away smoke from blasting and any flammable or harmful gases.

(c) At least once each week, a properly certified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open breakthrough in each active entry, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split. A record of such measurements shall be kept in a book on the surface, and the record shall be open for inspection by interested persons.

(4) Coursing of air.

(a) The main intake and return air currents in mines opened after the effective date of this Act shall not be in a single partitioned opening.

(b) All entries driven in coal after the effective date of this Act shall be in sets of two or more.

(c) Permanently installed underground stables, battery-charging stations, substations, transformer stations, and stations for electrically operated pumps and compressors shall be ventilated by separate splits of air conducted directly to the main return air courses. Portable substations and battery charging stations shall be in well ventilated places.

(d) Changes in ventilation that materially affect the main air current or any split thereof shall be made when the mine is not in operation and with no men in the mine other than those engaged in changing the ventilation.

(e) The number of men on the same air current or split shall be limited to sixty; provided, however, that in an emergency, and with the approval of the chief and the district mine inspector, the number may be increased to as many as eighty for a period not exceeding thirty days.

(f) In gassy mines, haulage roads on which trolley equipment is operated shall be on pure intake air.

(5) Quality of air.

(a) Mine air in which men work or travel shall contain at least 20.0 percent oxygen, not more than 0.5 percent carbon dioxide, and shall not be contaminated with noxious or poisonous gases.

(b) If the air immediately returning from a split that ventilates any group of active workings contains more than 1.0 percent methane, as determined with a permissible flame safety lamp, by air analysis, or by other recognized means of accurate detection, the ventilation shall be improved.

(c) If the air immediately returning from a split contains 1.5 percent methane, the employes, except those necessary to

correct the condition, shall be withdrawn from the mine or portion of the mine affected, and all power shall be cut off from said mine or portion of the mine.

(d) When methane can be detected in a working place or in open abandoned workings with a flame safety lamp, or when such place contains more than one percent methane as determined by an electric methane detector or by chemical analysis, the ventilation shall be improved immediately. When the air in a working place contains more than two percent methane, the workers shall be withdrawn and power shall be cut off any electric machinery in the face region until the ventilation is improved; provided, however, that tests made in kerfs, boreholes, and crevices shall not be the basis for application of this subsection.

(6) Breakthroughs and stoppings.

(a) As working places advance, breakthroughs for air shall be made sixty feet apart, except where it is now permitted, with the approval of the chief and the district mine inspector, to drive to ninety feet before making breakthroughs.

(b) Breakthroughs between intake and return air courses shall be closed, except the one nearest the face; breakthroughs between rooms shall be closed where necessary to provide adequate ventilation at the working face.

(c) Where practicable, a breakthrough shall be provided at or near the face of each entry or room before the place is abandoned.

(d) Entries or rooms shall not be started off an entry beyond the last open breakthrough.

(e) Stoppings between intake and return air courses shall be built of substantial, incombustible material such as concrete, concrete blocks, brick, or tile; provided, however, that where physical conditions prohibit the use of such materials, timbers laid longitudinally "skin to skin" may be used. This does not prohibit the use of a temporary stopping in the second breakthrough outby the face.

(f) Stoppings shall be reasonably airtight.

(7) Doors, overcasts, and undercasts.

(a) The ventilation shall be so arranged by means of air locks, overcasts, or undercasts that the passage of haulage trips or persons along the entries will not cause interruptions of the air current; provided, however, that in mines or in developing sections where air locks are not practical, single doors shall be used to course the air and, unless operated mechanically, shall be attended constantly while the mine is in operation. Air locks shall be ventilated enough to prevent accumulations of methane therein.

(b) Doors shall be kept closed except when men or equipment are passing through the doorways. Motor crews and other persons who open doors shall see that the doors are closed before leaving them.

(c) Overcasts and undercasts shall be constructed tightly of incombustible material, such as masonry, concrete, concrete blocks, or prefabricated metal, of sufficient strength to withstand possible falls from the roof; they shall be of ample area to pass the required quantity of air and shall be kept clear of obstructions.

(8) Line brattice.

(a) Substantially constructed line brattice shall be used from the last open breakthrough of an entry or room when necessary to provide adequate ventilation for the workmen and to remove gas and explosive fumes. When damaged by falls or otherwise they shall be repaired promptly.

(b) The space between the line brattice and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable and noxious gases.

(c) Brattice cloth used underground shall be of flame-resistant material.

(9) Abandoned workings.

(a) Abandoned workings shall be posted to warn unauthorized persons against entering the territory.

(b) All abandoned workings shall be either sealed or ventilated.

(c) Where practice is to seal abandoned workings, the sealing shall be done in an effective manner with incombustible material. In every sealed area, one or more of the seals shall be fitted with a pipe and cap or valve to permit the gases behind the seals to be sampled and also to provide a means of determining any existing hydrostatic pressure. When required by the chief, drill holes shall be extended from the sealed area to the surface, or vent pipes shall be extended from the sealed area to a return air course.

(d) In gassy mines, air that has passed through abandoned workings and pillared-out and caved areas, that has passed by the unsealed entrances to abandoned workings, or that has been used to ventilate pillar lines, shall not be used to ventilate live face workings. Where intake air is coursed by seals of abandoned workings, such seals shall be leakproof and shall be inspected by a properly certified person at least once each shift.

(e) No person shall attempt to enter, explore, or survey an abandoned mine or portion thereof without the approval of the chief and the district mine inspector.

(10) Examinations for gas and other dangerous conditions.

(a) A mine shall be classed gassy under any one or more of the following conditions:

1. If methane has been ignited or has been found by means of a flame safety lamp or by chemical analysis in an amount of 0.25 percent or more in any open workings by a district or Federal mine inspector or other certified, dependable person.

2. If contiguous to a mine (in the same coal seam) in which methane has been ignited or has been found by means of a flame safety lamp or by chemical analysis in an amount of 0.25 percent or more in any open workings by a district or Federal mine inspector or other certified, dependable person.

3. If connected by any break or opening to a mine (in a different coal seam) in which methane has been ignited or has

been found by means of a flame safety lamp or by chemical analysis in an amount of 0.25 percent or more in any open workings by a district or Federal mine inspector or other certified, dependable person.

(b) Not less than two permissible flame safety lamps in proper working condition shall be kept available at each mine for the use of authorized persons.

(c) At mines employing twenty-five or more men, and in all gassy mines, foremen, whose regular duties require them to inspect working places for dangers, shall have in their possession, and shall use, when underground, a suitable permissible device capable of detecting methane and oxygen deficiency.

(d) All mines shall be examined for gas and other dangers by properly certified persons assigned specifically to make fire-boss examinations before other men are permitted to enter, regardless of whether the mine is being operated or is idle. In gassy mines, such certified persons shall begin their examination in the first working place in their assigned territory not more than three hours before each shift enters the mine; in nongassy mines they shall begin their examination in the first working place in their assigned territory not more than three hours before the first shift enters the mine.

(e) During the preshift examination the fire boss shall visit every live working place in the mine and inactive places adjacent thereto, and during such visit shall test for methane and oxygen deficiency with a suitable permissible device; examine all seals and doors; test and inspect the roof, face, and rib conditions in all working places visited; inspect active roadways, travelways, approaches to abandoned workings, and accessible falls in active sections for explosive gas and other dangers; be certain that the air is traveling in its regular course and in sufficient volume in each split; and he shall place his initials and the date at or near the face of each place examined.

(f) Where dangerous conditions are found, the fire boss shall fence off each approach to such place and place a "danger" sign thereon; no one but an authorized person shall pass such

danger sign, and then only for the purpose of examining the place or correcting the condition.

(g) Upon completing his examination, each fire boss shall, where practicable and before other men enter the mine, return to the surface and report in person to the mine foreman or a designated certified assistant; immediately upon reaching the surface, the fire boss shall record in ink or indelible pencil the result of his inspection in a regular fire-boss book kept on the surface for that purpose.

(h) Where it is impracticable for the fire boss to return to the surface following his examination, he shall record in ink or indelible pencil the result of his examination in a fire-boss record book kept in a fireproof vault underground, but before the shift is permitted to enter the mine, he shall report by telephone or other means the result of his examination to the mine foreman or a designated certified assistant on the surface, who shall record such report in the regular fire-boss book. Such report shall be signed by the person making the record and shall be countersigned by the fire boss upon his return to the surface.

(i) The record book of the fire boss shall at all times during working hours be accessible to any employe of the company and other interested persons. Each fire boss shall furnish the district office of the department, once each week, by regular mail at company expense, a true copy of such record, which shall be preserved.

(j) Idle and abandoned sections shall be inspected for gas and other dangerous conditions by a certified foreman or fire boss immediately before other employes are permitted to enter or work in such places. A certified official shall supervise the correction of exceptionally dangerous conditions.

(k) At least once each shift, or oftener if necessary for safety, while the men are in the mine, the working places in each mine shall be examined for dangers by a properly certified official. Such examination in mines employing twenty-five or more men, and in all gassy mines, shall include tests with a suitable permissible device for detecting methane and oxygen deficiency. Any danger found shall be eliminated promptly or

the men shall be withdrawn and the affected area fenced off and plainly marked with "danger" signs.

(l) Pillar workings shall be examined by a certified official for methane and other dangers before a fall is made purposely. If methane can be detected with a flame safety lamp, it shall be removed, if possible, before the fall is made. Where it is not practicable to remove the gas before such fall is made, all electric power shall be cut off that portion of the mine that might be affected, and all men except those necessary to complete the fall shall be removed from such area.

(m) Examinations for dangerous conditions, including tests for methane with a permissible flame safety lamp, a permissible methane detector, or by chemical analysis shall be made at least once each week by the mine foreman or other properly certified person designated by him. Such examinations and tests shall be made in the return of each split where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return airway in its entirety, idle workings, and, insofar as conditions permit, abandoned workings. The person making such examinations and tests shall mark his initials and the date at the places examined and, if dangerous conditions are found, they shall be reported promptly. A record of these examinations and tests shall be kept at the mine.

(n) The mine foreman and his assistants shall read and countersign promptly the daily reports of the fire bosses, and he shall read and countersign promptly the weekly report covering the examinations for dangerous conditions. Where such reports disclose dangerous conditions, the mine foreman shall take prompt action to have such conditions corrected. The mine superintendent, where such official is in charge at the mine, shall also read and countersign promptly the daily and weekly reports of the mine officials.

(o) Each day, the mine foreman and each assistant shall enter plainly and sign with ink or indelible pencil in a book provided for that purpose a report of the condition of the mine or portion thereof under his supervision, which report shall state clearly the location and nature of any danger observed by them

or reported to them during the day, and the report shall state what action, if any, was taken to remedy such danger.

(p) All records of daily and weekly reports required in this subsection shall be open for inspection by interested persons.

Section 33. *Coal and rock dust.* (1) Control of coal dust.

(a) Coal dust shall not be permitted to accumulate excessively in any part of the active workings, including working places about to be abandoned.

(b) Where mining operations raise an excessive amount of dust into the air, water or water with a wetting agent added to it or other effective methods shall be used to allay such dust at its source.

(2) Rock dusting.

(a) All mines, except those mines or parts thereof in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock-dusted to within forty feet of all active working faces, and all open breakthroughs within the forty-foot zone shall be rock-dusted. Provided, however, that in longwall and longface operations, the rock-dust applications shall be maintained to within twelve feet of the active working faces.

(b) In mines rock-dusted partially, or in mines that are required to start rock dusting, haulageways and parallel entries connected thereto by open breakthroughs shall be rock-dusted. Back entries shall be rock-dusted for at least one thousand feet outby the junction with the first active entry. Inby this junction, the rooms, entries, and breakthroughs shall be rock-dusted by generalized rock-dusting as provided for in paragraph (a) of this subsection.

(c) Where rock dust is required, it shall be distributed upon the top, floor, and sides and maintained in such quantity that the incombustible content of the mine dust shall be not less than sixty-five percent; provided, however, that when methane is present in any ventilating current, the sixty-five percent incombustible matter shall be increased in the effected area one percent for each 0.1 percent methane.

Section 34. *Transportation.* (1) Hoisting.

(a) Where men are transported into or out of a mine, underground, or on surface inclines by hoists, a qualified hoisting engineer shall be on duty continuously at each hoist necessary to provide immediate transportation while any person is underground; provided, however, that this shall not apply to automatically operated elevators that can be operated safely by any workman.

(b) A hoist used for handling men shall be equipped with overspeed, overwind, and automatic stop controls, unless a second engineer is on duty, and a stop control is provided for his immediate use.

(c) The hoisting engineer shall operate the empty cages up and down the shaft at least one round trip at the beginning of each shift and after the hoist has been idle for one hour or more before hoisting or lowering men. Similar procedure shall be followed in slope and surface incline hoisting except that an attendant may ride on the trip.

(d) Slope, shaft, or surface incline hoists shall be equipped with brakes capable of stopping and holding the fully loaded unbalanced cage or trip at any point in the shaft, slope, or on the incline.

(e) An accurate and reliable indicator, showing the position of the cage or trip, shall be placed so as to be in clear view of the engineer, unless the position of the car or trip is clearly visible to the engineer at all times.

(f) Hoisting equipment including the headgear, cages, ropes, connections, links and chains, shaft guides, shaft walls, and other facilities shall be inspected daily by a competent person designated by the management. Such inspector shall report immediately to his superior any defects found, and any such defect shall be corrected promptly. The person making such examination shall make a daily permanent record of each inspection, which shall be open for inspection by interested persons.

(g) Hoisting ropes on all cages or trips shall be adequate in size to handle the load and have a proper factor of safety.

Ropes used to hoist or lower coal and other materials shall have a factor of safety of not less than five to one; ropes used to hoist or lower men shall have a factor of safety of not less than ten to one. The rope shall be replaced as soon as there is evidence of possible failure.

(h) The rope shall have at least three full turns on the drum when extended to its maximum working length and shall make at least one full turn on the drum shaft or around the spoke of the drum, in case of a free drum, and be fastened securely by means of clamps.

(i) The hoisting rope shall be fastened to its load by a spelter-filled socket or by a thimble and adequate number of clamps properly spaced and installed.

(j) Any rope attached to a cage, man-car, or trip used for hoisting or lowering men shall be provided with two bridle chains or cables connected securely to the rope at least three feet above the socket or thimble and to the crosspiece of the cage or to the man-car or trip.

(2) Cages, shafts, slopes, and surface inclines.

(a) Cages used for hoisting men shall be of substantial construction; with adequate steel bonnets; with enclosed sides; with gates, safety chains, or bars across the ends of the cage when men are being hoisted or lowered; and with sufficient handholds or chains for all men on the cage to maintain their balance. A locking device to prevent tilting of the cage shall be used on all self-dumping cages when men are transported thereon.

(b) The floor of the cage shall be constructed so that it will be adequate to carry the load and so that it will be impossible for a workman's foot or body to enter any opening in the bottom of the cage.

(c) Cages used for handling men shall be equipped with safety catches that act quickly and effectively in an emergency.

(d) A test of safety catches on cages shall be made at least once each month. A written record shall be kept of such tests, and such record shall be open for inspection by interested persons.

(e) The speed of the cage, car, or trip in shafts, slopes, or on surface inclines shall not exceed six hundred feet a minute when men are being hoisted or lowered.

(f) Two independent means of signaling shall be provided between the top, bottom, and all intermediate landings of shafts, slopes, and surface inclines and the hoisting station. At least one of these means of signaling shall be audible to the hoisting engineer.

(g) An approved signal code shall be in use at each mine and shall be posted prominently in the engine room in easy sight of the engineer and at all regular signal stations.

(h) Workmen shall wear safety belts while doing work in or over shafts. When men are working in the shaft, a qualified attendant shall be on duty at the cage station designated by the shaftman.

(i) When men are being hoisted or lowered in shafts, slopes, or on surface inclines, the loading and unloading of men and movement of the cage, car, or trip shall be under the direction of qualified attendants.

(j) All shafts shall be equipped with safety gates at the top and at each landing. Where possible, such gates shall be self-closing and shall be kept closed except when the cage is being loaded or unloaded.

(k) Positive stopblocks or derails shall be placed near the top and at intermediate landings of slopes and surface inclines and at the approaches to all shaft landings.

(l) At the bottom of each hoisting shaft and at intermediate landings, a "run-around" shall be provided for safe passage from one side of the shaft to the other. This passageway shall be not less than five feet in height and three feet in width.

(m) Ice shall not be permitted to accumulate excessively in any shaft where men are hoisted or lowered.

(n) No person shall ride on a loaded cage.

(o) When the escape and fan shafts are combined, the side or end used for an escape outlet and the part used for ven-

tilating purposes shall be separated by a good, substantial, airtight, fireproof partition from top to bottom, and the shaft lining shall be of fireproof construction; provided, however, that this does not apply to shafts in use at the time of the effective date of this Act.

(3) Haulage roads.

(a) The roadbed, rails, joints, switches, frogs, and other elements of the track of all haulage roads shall be constructed, installed, and maintained in a manner consistent with speed and type of haulage operations being conducted to insure safe operation.

(b) All track switches shall be provided with properly installed throws, latches, and bridle bars.

(c) Track switches, except those in rooms and in entry development, shall be equipped with properly installed guardrails.

(d) Switch throws and stands shall be on the clearance side.

(e) Haulage tracks shall be kept free of coal spillage and debris.

(f) Roadbeds shall be kept well drained.

(g) Rails shall be secured at all joints by means of plates or weld.

(h) Shuttle-car haulage roads shall be maintained free of bottom irregularities, excess spillage, debris, and wet or muddy conditions that make it difficult to control the shuttle car.

(4) Clearance and shelter holes.

(a) Track-haulage roads in entries, rooms, and breakthroughs developed after the effective date of this Act shall have a continuous clearance on one side of at least twenty-four inches from the farthest projection of moving traffic and shall be free of any obstruction to a height of six and one-half feet where the height of the entry permits. Shuttle-car haulageways shall be at least four feet wider than the widest part of the shuttle car

operated therein and, where the height of the entry permits, shall be free of protruding coal or rock to a height of six and one-half feet on the operator's side.

(b) Track-haulage roads in entries, rooms, and breakthroughs developed after the effective date of this Act shall have a continuous clearance on the "tight" side of at least twelve inches from the farthest projection of moving traffic.

(c) On haulage roads where trolley lines are used, the clearance for traveling shall be on the side opposite the trolley lines, except where such lines are six and one-half feet or more above the rail.

(d) The clearance space on all track-haulage roads shall be kept free of loose rock, loose coal, supplies, and other loose materials; provided, however, that not more than twenty-four inches need be kept free of obstructions.

(e) Parallel tracks installed after the effective date of this Act shall be far enough apart to allow a clearance of at least twenty-four inches between the outermost projections of passing traffic.

(f) Ample clearance shall be provided at conveyor-loading heads, at conveyor-control panels, and along conveyor lines.

(g) Track-haulage roads in entries developed after the effective date of this Act shall have a vertical clearance of at least twenty-four inches above the top of any locomotive operated thereon.

(h) Where it is necessary for men to cross conveyors regularly, suitable crossing facilities shall be provided.

(i) Shelter holes shall be provided at intervals of not more than sixty feet along all haulage entries, except conveyor entries or where animal haulage is used.

(j) Shelter holes made after the effective date of this Act shall be at least five feet in depth, not more than four feet in width, and six feet in height, or as high as the traveling space, if the traveling space is less than six feet high. Room necks and breakthroughs may be used as shelter holes even though their width exceeds four feet.

(k) Shelter holes shall be kept clear of refuse and other obstructions.

(l) Shelter holes shall be provided at manually operated doors and at switch throws, except where more than six feet of side clearance is maintained and at room switches.

(m) At each underground slope landing where men pass and cars are handled, a shelter hole at least ten feet in depth, four feet in width, and six feet in height shall be provided.

(n) Upon the approach of moving traffic, persons not engaged in haulage operations shall take refuge in shelter holes or other places of safety.

(5) Haulage equipment.

(a) Locomotives, mine cars, shuttle-cars, supply cars, conveyors, and all other haulage equipment shall be maintained in a safe operating condition.

(b) All track-mounted self-propelled mobile equipment and shuttle cars for use underground and ordered after the effective date of this Act shall be equipped with safe and comfortable seating facilities for the operator and necessary helpers.

(6) Safety devices and practices.

(a) Locomotives shall be equipped with proper devices, including lifting jacks, which shall be used for the rerailing of locomotives and cars.

(b) An audible warning device and headlights shall be provided on each locomotive, shuttle-car, and any other self-propelled mobile equipment.

(c) A permissible trip light shall be used on the rear of trips pulled and on the front of pushed trips and trips lowered in slopes; provided, however, that trip lights need not be used on cars being shifted to and from loading machines, on cars being handled at loading heads, during gathering operations at working faces, or on trips pulled by animals.

(d) Pushing of cars on main haulage roads shall be prohibited, except where necessary to push cars from sidetracks

located near the working section to the producing entries and rooms, where necessary to clear switches and sidetracks, and on the approach to cages, slopes, and surface inclines.

(e) Where track haulage is used, sidetracks shall be provided as near as feasible to the working places.

(f) Back-poling shall be prohibited except at places where the trolley pole cannot be reversed or when going up extremely steep grades and then only at very slow speed.

(g) No person, other than the motorman and brakeman, shall ride on a locomotive. No person shall ride on any loaded car or on the bumper of any car; provided, however, that the brakeman may ride on the rear bumper of the last car of a trip pulled by locomotive, and an animal driver and trip rider of a rope trip shall ride in the safest possible position on the trip.

(h) No person shall get on or off moving locomotives or cars being moved by locomotives; provided, however, that the brakeman may get on or off the rear end of a slowly moving trip.

(i) Operators of shuttle cars shall face in the direction of travel.

(j) All trips and locomotives shall come to a complete stop before cars are coupled or uncoupled by hand.

(k) Standing cars on any track, unless held effectively by brakes, shall be properly blocked or spragged. Cars shall be secured effectively at working faces.

(l) Positive-acting stopblocks or derails shall be used where necessary to protect persons from danger of moving or run-away haulage equipment.

(m) Timbers and other materials not necessary for the operation of locomotives, cutting machines, loading machines, and coaldrilling machines, shall not be transported on such equipment.

(n) Slides, skids, or other adequate means shall be used on descending trips on grades where the locomotive is not adequate to control the trip, and where practicable, a drag shall be used on ascending trips.

(o) Material being transported shall be so loaded and protected that there is no danger to the motorman or brakeman from sliding of equipment and material.

(p) Where seating facilities are provided on self-propelled mobile equipment, the operator shall be seated before such equipment is moved.

(q) Operators of self-propelled equipment shall sound a warning before starting such equipment and on approaching curves, sidetracks, doors, curtains, manway crossings, or any other place where persons are or likely to be.

(r) Locomotives following other trips shall maintain a distance of three hundred feet from the rear end of the preceding trip or locomotive.

(s) Brakeman shall always stand in the clear during switching operations.

(t) Where block signals are used, not more than one locomotive, except pushers, shall operate in any signal block at the same time unless by special authority.

(u) Where a dispatcher is employed to control trips, traffic under his jurisdiction shall travel only at his direction.

(7) Transportation of men.

(a) Man-trips operated by means of locomotive shall be pulled, and at safe speeds, consistent with the condition of roads and type of equipment used, and shall be so controlled that they can be stopped within the limits of visibility.

(b) Each man-trip shall be under the charge of a certified official, and it shall be operated independently of any loaded trip of coal or other material.

(c) Man-trip cars shall be maintained in safe operating condition, and enough of them shall be provided to prevent their being overloaded.

(d) No person shall ride under the trolley wire unless suitable covered man-cars are used.

(e) Supplies or tools shall not be transported in the same

car or cage with men on any man-trip, except in special compartments in such cars; and all persons shall ride inside the cars except the motorman and trip rider.

(f) Men shall not board or leave moving man-trip cars; they shall remain seated while in moving cars, and shall proceed in an orderly manner to and from man-trips.

(g) A waiting station with sufficient room, ample clearance from moving equipment, and adequate seating facilities shall be provided where men are required to wait for man-trips or man cages, and the men shall remain in such station until the man-trip or man cage is ready to load. Men shall be permitted to unload from man-trips only at man-trip stations, except that persons assigned to special duties along man haulageways many unload at any point if clearange from moving equipment is provided and trolley and bare power wires are guarded effectively.

(h) Trolley and power wires shall be guarded effectively at man-trip stations where there is a possibility of any person coming in contact with energized electric wiring while boarding or leaving the man-trip. Deenergizing switches, used in conjunction with signal lights to indicate when such wires have been deenergized, may be used in lieu of guards at man-trip stations.

(i) When belts are used for transporting men, such belts shall be free of loose materials, and a minimum clearance of eighteen inches shall be maintained between the belt and the roof or cross bars, projecting equipment, cap pieces, overhead cables, wiring, and other objects; but where the height of the coal bed permits, the clearance shall not be less than twenty-four inches. Control switches shall be provided at all places where men board or leave belts regularly.

(j) The belt speed shall not exceed two hundred fifty feet a minute while men are being transported, and such belt shall be stopped while men are boarding or leaving.

(k) The space between men riding on a belt line shall be not less than five feet.

(l) Adequate clearance and proper illumination shall be provided where men board or leave conveyor belts.

(m) An official or other responsible person designated by him shall be in attendance while men are boarding or leaving belts.

(n) The use of slides for lowering persons on slopes or inclines is prohibited.

Section 35. *Electricity.* (1) Surface transmission lines.

(a) Overhead high-potential power lines shall be placed at least fifteen above the ground and twenty feet above driveways and haulageways, shall be installed on insulators, and shall be supported and guarded to prevent contact with other circuits.

(b) Surface transmission lines including trolley circuits shall be installed on insulators, and shall be supported and guarded to prevent contact with other circuits.

(c) Surface transmission lines including trolley circuits shall be protected against short circuits and lightning. Each exposed power circuit that leads underground shall be equipped with lightning arresters of approved type at the point where the circuit enters the mine.

(d) Electric wiring in surface buildings shall be installed so as to prevent fire and contact hazards.

(2) Transformer stations.

(a) Unless surface transformers are isolated by elevation of eight feet or more above the ground, they shall be enclosed in a transformer house or surrounded by a suitable fence at least six feet high. If the enclosure or fence is of metal, it shall be grounded effectively. The gate or door to the enclosure shall be kept locked at all times, unless authorized persons are present.

(b) Surface transformers containing flammable oil and installed where they present a fire hazard (near mine openings or in or near combustible buildings) shall be provided with means to drain or to confine the oil in event of rupture of the transformer casing.

(c) All transformers ordered after the effective date of this Act for use underground shall be air cooled or filled with nonflammable liquid or inert gas.

(d) Permanent underground transformers containing flammable liquid shall be in rooms of fireproof construction. Such rooms shall be provided with automatic fire doors and door sills, or their equivalent, that will confine the liquid in event of rupture of the transformer casing.

(e) Portable underground transformers containing flammable liquid shall be in fireproof housings or enclosures, which shall be provided with automatic fire doors, and means shall be provided for confining the liquid in event of rupture of the transformer casing.

(f) Suitable danger signs shall be posted conspicuously at all transformer stations on the surface and underground.

(g) All transformer stations on the surface and underground shall be kept free of nonessential combustible materials and refuse.

(h) Transformer stations shall not be installed underground until such installation has been approved in writing by the chief.

(3) Substations, battery-charging stations, electrically operated pumps and compressors.

(a) Permanently installed underground substations, battery-charging stations, and electrically operated pumps and compressors shall be in fireproof rooms, which shall be provided with fireproof doors that close automatically in case of fire.

(b) Portable underground substations and battery-charging stations shall be in fireproof enclosures or fireproof rooms which shall be provided with automatic fire doors; provided, however, that this shall not apply to essentially fireproof self-contained substations.

(c) All surface and underground substations, battery-charging stations, pump stations, and compressor stations shall be kept free of nonessential combustible materials and refuse.

(d) All housings enclosing oil switchgear shall be ventilated effectively.

(e) Reverse-current protection shall be provided at stor-

age-battery charging stations to prevent the storage batteries from energizing the power circuits in the event of power failure.

(4) Power circuits.

(a) All underground power wires and cables shall have adequate current-carrying capacity, shall be guarded from mechanical injury, and installed in a permanent manner.

(b) Wires and cables not incased in armor shall be supported by well installed insulators and shall not touch combustible materials, roof, or ribs; provided, however, that this shall not apply to ground wires, grounded power conductors, and trailing cables.

(c) Power wires and cables installed in rope-and belt-haulage slopes shall be insulated adequately and buried in a trench not less than twelve inches below combustible material, unless otherwise fully protected against mechanical injury.

(d) Splices in power cables shall be made in accordance with the following:

1. Mechanically strong with adequate electrical conductivity.

2. Effectively insulated and sealed so as to exclude moisture.

3. If the cable has metallic armor, mechanical protection and electrical conductivity equivalent to that of the original armor shall be provided.

(e) All underground transmission cables shall be:

1. Installed only in regularly inspected airways.

2. Covered, buried, or placed so as to afford protection against damage by wrecked trips, trolley equipment, roof falls, and blasts.

3. Guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail.

4. Securely anchored, properly insulated, and guarded at ends.

5. Covered, insulated, or placed to prevent contact with trolley and other low-voltage circuits.

(f) All power wires and cables shall be insulated adequately where they pass into or out of electrical compartments, where they pass through doors and stoppings, and where they cross other power wires and cables.

(g) Where track is used as a power conductor:

1. Both rails of main-line tracks shall be welded or bonded at every joint, and cross bonds shall be installed at intervals of not more than two hundred feet. If the rails are are paralleled with a feeder circuit of like polarity, such parallel feeder shall be bonded to the track rails at intervals of not more than one thousand feet.

2. At least one rail on secondary track-haulage roads shall be welded or bonded at every joint, and cross bonds shall be installed at intervals of not more than two hundred feet.

3. Track switches on entries shall be well bonded.

4. In rooms where electric equipment is dependent upon the room track rails as a power conductor, rail joints shall be secured by means of fish plates, angle bars, or the equivalent, and at least one rail shall be bonded at each joint; provided, however, that rails in rooms in gassy mines shall not be used as power conductors.

(h) All power circuits and electric equipment shall be deenergized before work is done on them; provided, however, that employes may, where necessary, repair energized trolley wires if they wear insulated shoes and lineman's gloves.

(i) Trolley wires and trolley feeder wires shall be installed on the side of the entry opposite the clearance space and shelter holes, except where the wires are guarded or six and one-half feet or more above the top of the rail.

(j) Trolley-wire hangers shall be so spaced that the wire may become detached from any one hanger without creating a shock hazard.

(k) Trolley wires shall be alined properly and installed on insulated hangers at least six inches outside the rail.

(l) Trolley wires and trolley feeder wires installed after the effective date of this Act shall be provided with cut-out switches at intervals of not more than fifteen hundred feet and near the beginning of all branch lines.

(m) Trolly wires and trolly feeder wires shall be kept taut and not permitted to touch the roof, ribs, timbers, or any combustible material.

(n) Trolley wires and trolley feeder wires shall be guarded adequately at both sides of doors and at all places where it is necessary to work or pass under them unless they are more than six and one-half feet above the top of the rail.

(o) Trolley wires and trolley feeder wires shall not be installed in rooms in gassy mines.

(p) Trolley wires and trolley feeder wires shall not extend beyond any open breakthrough between intake and return airways, and shall be kept at least one hundred fifty feet from any active, open pillar workings.

(q) Trolley wires and trolley feeder wires shall be guarded, anchored securely, and insulated properly at the ends.

(r) Trolley wires and trolley feeder wires shall be installed only in pure intake air in gassy mines.

(s) In any new mine or any old mine that may be reopened and reequipped after the effective date of this Act, trolley wires or other exposed conductors shall not carry more than three hundred volts.

(5) Grounding.

(a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continous throughout and shall be grounded effectively.

(b) Metallic frames, casings, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded effectively, or equivalent protection shall be provided.

(c) When electric equipment is operated from three-phase alternating current circuits originating in transformers connected to provide a neutral point on the secondary winding, a continuous grounding conductor of ample size shall be installed and connected to the neutral point and to the frames of the power-utilizing equipment. Such grounding conductors shall be grounded at the neutral point and at intervals along the conductor if feasible. A suitable circuit breaker or switching device shall be connected in the secondary power circuit and be provided with a ground-trip relay coil connected in series with the grounding conductor to provide effective ground-fault tripping.

(6) Circuit breakers, switches, and switchboards.

(a) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and power circuits against excessive overload; provided, however, that this does not apply to locomotives operated regularly on grades exceeding five percent. Wires or other conducting materials shall not be used as a substitute for properly designed fuses, and circuit-breaking devices shall be maintained in good operating condition.

(b) Operating controls, such as switches, starters, and switch buttons, shall be so installed that they are readily accessible and can be operated without danger of contact with moving or live parts. Provision shall be made for locking starting equipment in the "Off" position to prevent accidental application of power.

(c) Disconnecting switches shall be installed underground in all main power circuits within five hundred feet of the bottoms of shafts and boreholes, and at other places where main power circuits enter the mine.

(d) Electric equipment and circuits shall be provided with switches or other controls of safe design, construction, and installation.

(e) Dry wooden platforms, insulating mats, or other electrically nonconductive material shall be kept in place at each switchboard, power-control switch, and at stationary machinery where shock hazards exist.

(f) Resistors or rheostats shall be installed in such a manner as not to create a fire hazard, and shall be guarded adequately against personal contact.

(g) When not in use, power circuits underground shall be deenergized on idle days and idle shifts.

(h) Electric parts, such as switches, circuit breakers, rheostats, relays, and fuses, shall be installed on switchboards or mounted on incombustible bases of slate or equivalent insulating material.

(i) Switchboards installed after the effective date of this Act shall be located so that ample room will be provided between the switchboard and passageways or lanes of travel and shall have an entrance at each end to permit authorized persons to inspect, adjust, or repair apparatus back of the board. Switchboards shall have the entrance to the rear guarded against entrance of unauthorized persons, unless in a building that is kept locked.

(j) Switchboards shall be well lighted for switch operations in the front and for repair and maintenance in the rear.

(k) Rooms housing switchboards shall not be used for the storage of combustible materials, and shall be kept free of debris and refuse.

(1) Suitable danger signs shall be posted conspicuously at all high-potential switchboard installations.

(7) Communication systems.

(a) Telephone service or equivalent two-way communication facilities shall be provided between the top and each landing of main shafts and slopes and in all mines between the surface and each working section that is more than fifteen hundred feet from the main portal.

(b) Telephone lines, other than cables, shall be carried on insulators, installed on the opposite side from power or trolley wires, and where they cross power or trolley wires, they shall be insulated adequately.

(c) Lightning arresters shall be provided at the points

where telephone circuits enter the mine and at each telephone on the surface.

(d) If a communication system other than telephones is used and its operation depends entirely upon power from the mine electric system, means shall be provided to permit continued communication in event the mine electric power fails or is cut off.

(8) Signal systems.

(a) Signal wires shall be supported on insulators and insulated properly where they cross power lines.

(b) Bare signal wires that are readily accessible to personal contact shall not carry more than thirty volts.

(9) Electric equipment.

(a) Electric equipment purchased for or transferred to any gassy mine after the effective date of this Act for use in other than pure intake air shall be permissible equipment approved by the United States Bureau of Mines.

(b) Permissible equipment used in gassy mines shall be maintained in permissible condition, operated in accordance with the Bureau of Mines permissibility requirements, and bear the Bureau of Mines approval identification.

(c) Electric equipment shall not be taken into or operated in any place where methane can be detected with a flame safety lamp.

(d) In all gassy mines, inspections for methane shall be made before any electrically driven equipment is taken or operated inby the last open breakthrough, and, while such equipment is in operation, tests for methane shall be made at intervals of not more than ten minutes.

(e) In any new mine or any old mine that may be reopened and reequipped after the effective date of this Act, electric power for face equipment shall be limited to three hundred volts between any conductors and ground, except that the voltage for hand-held electric equipment shall not exceed two hundred fifty.

(10) Trailing cables.

(a) Trailing cables purchased for or transferred to any mine after the effective date of this Act for use underground shall meet the United States Bureau of Mines requirements for flame-resistant cables.

(b) Trailing cables shall be provided with suitable short-circuit protection and means of disconnecting power from the cable. In gassy mines, power connections made in other than pure intake air shall be by means of permissible equipment.

(c) Temporary splices in trailing cables shall be made in a workmanlike manner, mechanically strong, and well insulated.

(d) The number of temporary, unvulcanized splices in a trailing cable shall be limited to four, and to one in a hand cable.

(e) Permanent splices in trailing cables shall be made as follows:

1. Mechanically strong with adequate electrical conductivity and flexibility.

2. Effectively insulated and sealed so as to exclude moisture.

3. The finished splice shall be vulcanized or otherwise treated with suitable materials to provide flame-resistant properties and good bonding to the outer jacket.

(f) Trailing cables purchased after the effective date of this Act for use on cable-reel locomotives shall be of the two-conductor type.

(g) Trailing cables shall be protected against mechanical damage.

(11) Electrical inspections.

(a) Electric equipment and wiring shall be inspected by a competent person at least once a month and more often if necessary to assure safe operating conditions, and any defect found shall be corrected. A report of such inspection shall be made and shall be available for inspection by interested persons.

(12) Underground illumination.

(a) Electric-light wires shall be supported by suitable insulators, or installed in conduit, fastened securely to the power conductors, and not permitted to touch combustible material.

(b) Electric lights shall be installed so that they cannot come in contact with combustible materials.

(c) Lamp sockets with exposed metal parts shall not be used underground.

Section 36. *Safeguards for mechanical equipment.* (1) Face equipment.

(a) The cutter chains of mining machines shall be locked securely by mechanical means or electrical interlocks while such machines are parked or being trammed.

(b) Drilling in rock shall be done wet, or other means of dust control approved by the United States Bureau of Mines shall be used.

(c) Electric drills or other electrically operated rotating tools intended to be held in the hands shall have the electric switch constructed so as to break the circuit when the hand releases the switch or shall be equipped with properly adjusted friction or safety clutches.

(2) Shop and other equipment.

(a) The following shall be guarded adequately:

1. Gears, sprockets, pulleys, fan blades or propellers, friction devices, and couplings with protruding bolts or nuts.

2. Shafting and projecting shaft ends that are within seven feet of floor or platform level.

3. Belt, chain, or rope drives that are within seven feet of floor or platform.

4. Fly wheels. Where fly wheels extend more than seven feet above the floor, they shall be guarded to a height of at least seven feet.

5. Circular and band saws and planers.

6. Repair pits. Guards shall be kept in place when the pits are not in use.

7. Counterweights.

8. Mine fans. The approach to each side shall be guarded.

(b) Machinery shall not be repaired or oiled while in motion; provided, however, that this shall not apply where safe remote oiling devices are used.

(c) A guard or safety device removed from any machine shall be replaced before the machine is put in operation.

(d) Mechanically operated grinding wheels shall be equipped with:

1. Safety washers and tool rests.

2. Substantial retaining hoods, the hood opening of which shall not expose more than 90° sector of the wheel.

3. Eyeshields, unless goggles are worn by the operators.

Section 37. *Underground fire prevention, fire control, and mine disasters.* (1) Fire prevention and control.

(a) Each mine shall be provided with suitable fire-fighting equipment, adequate for the size of the mine, such as supplies of rock dust at doors and at other strategic places, water lines and hose, water or chemical trucks, and fire extinguishers.

(b) Clean dry sand, rock dust, or fire extinguishers, suitable from a toxic and shock standpoint, shall be provided and placed at each electrical station, such as substations, transformer stations, and permanent pump stations, so as to be out of the smoke in case of a fire in the station, and suitable fire extinguishers shall be provided on all self-propelled mobile equipment, at belt heads, and at the inby end of belts.

(c) An examination for fire shall be made after every blasting operation underground.

(d) Should a fire occur, the person discovering it, and any persons in the vicinity of the fire, shall make a prompt effort to extinguish it.

(e) When a fire that may endanger the men underground cannot be extinguished immediately, the men shall be withdrawn promptly from the mine.

(f) Underground storage places for oil, grease, and flammable hydraulic fluid shall be of fireproof construction.

(g) Oil, grease, and flammable hydraulic fluid kept underground for current use shall be in closed metal containers.

(h) Hay or straw shall be transported form the surface to underground stables in enclosed incombustible cars. It shall be stored in a fireproof structure apart from the stable or in a fireproof compartment within the stable.

(i) Provisions shall be made to prevent accumulation of spilled oil or grease at the storage places or at the locations where such materials are used.

(j) Belt conveyors shall be equipped with control switches to automatically stop the driving motor in the event the belt is stopped by slipping on the driving pulley, by breakage, or other accident.

Section 38. *Miscellaneous.* (1) Approaching abandoned workings.

(a) Whenever any working place approaches within two hundred feet of an abandoned mine or the abandoned workings of an adjacent active mine that are not inspected regularly, boreholes shall be kept at least twenty feet in advance of the face, and 45° angle rib holes shall be drilled at least twenty feet deep. Such holes shall be not more than eight feet apart.

(b) Whenever any working place approaches within fifty feet of worked out or abandoned areas within the same mine for which accurate maps of such area are available, and which are not inspected regularly, boreholes shall be kept at least twenty feet in advance of the face, and 45° angle rib holes shall be drilled twenty feet deep. Such holes shall be not more than eight feet apart.

(2) Mine openings and escapeways.

(a) Every underground mine shall have at least two sepa-

rate surface openings except as provided for in paragraphs (e) and (f) of this subsection.

(b) The distance between shafts and slopes at any mine opened after the effective date of this Act shall be not less than one hundred fifty feet, and the distance between drift openings at such mines shall be not less than fifty feet.

(c) New shafts and partitions therein made after the effective date of this Act shall be fireproof; provided, however, that buntons and guides may be of wood.

(d) Mine openings shall have adequate protection against surface fires, fumes, smoke, and water from floods entering the mine.

(e) Not more than twenty persons shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such work shall be prosecuted with reasonable diligence.

(f) When only one main opening is available, owing to final mining of pillars, not more than twenty persons shall be allowed in such mine at any one time; provided, however, that the distance between the mine opening and workings shall not exceed five hundred feet.

(g) If any coal mine has but one means of ingress and egress for persons employed therein, and the owner does not own suitable ground for another opening, the owner may select appropriate adjacent ground for that purpose and have it condemned, by proceedings similar to those allowed for securing a private passway, in the county court of the county where the mine is situated.

(h) There shall be at least two separate and distinct travelable passageways to be designated as escapeways from each working section to the surface of every mine. Such escapeways, one of which may be the haulageway, shall comply with the following provisions:

1. They shall be kept in safe condition for travel and reasonably free from falls, standing water, and other obstructions to the extent that men can escape quickly in an emergency.

2. One of such escapeways shall be ventilated with intake air.

(i) Where the designated escapeways are shafts:

1. They shall be equipped with hoist and cage or with travelable stairway or ladders maintained in good repair and in safe condition. No shaft more than thirty feet deep sunk after the effective date of this Act shall be equipped with ladders.

2. Stairways shall be of substantial construction, set at an angle not greater than 45° with the horizontal, and equipped on the open side with a suitable handrail; landing platforms shall be at least two feet wide and four feet long and shall be railed properly.

3. Ladders shall be anchored securely.

4. Permanently installed ladders that are more than ten feet in length and that are set on an angle of 60° or more with the horizontal shall be provided with substantial backguards, and all ladders shall be maintained in good repair.

5. Where ladders or stairways set at an angle greater than 45° are now installed, their use may be continued provided they are of substantial construction, with platforms at intervals of not more than thirty feet, and equipped with suitable handrails in the case of stairways.

(j) If a designated escapeway is a slope of not more than 45°, it shall be equipped with a stairway or adequate walkway with cleats. If the slope is more than 45°, stairways shall be installed.

(k) Direction signs shall be posted conspicuously at all points of intersections with other passageways to indicate manways and designated escapeways.

(l) Good housekeeping shall be practiced underground.

(m) All unused, abandoned, and isolated surface openings shall be effectively protected against unauthorized entrance.

(5) Portable illumination.

(a) All persons underground shall use only permissible electric lamps for portable illumination.

(b) Light bulbs on extension cables shall be guarded adequately.

(6) Checking system.

(a) Each mine shall have a check-in and check-out system that will provide positive identification upon the person of every individual underground. An accurate record of the men in the mine, which shall consist of a written record, a check board, or a time-clock record, shall be kept on the surface in a place that will not be affected in the event of an explosion. Said record shall bear a number identical to the identification check carried by the person underground.

(7) Arcs, sparks, and flames.

(a) Smoking, the carrying of matches, other flame-making devices, and smoker's articles and the intentional creation of any arc, spark, or open flame, except as provided in paragraph (b), shall be prohibited in all gassy mines.

(b) Welding and cutting with arc or flame or soldering underground in other than a fireproof enclosure ventilated with pure intake air shall be done under the direct supervision of a certified official who shall test for methane before and during such operations in gassy mines and shall make a diligent search for fire after such operations in all mines. Rock dust or suitable fire extinguishers shall be immediately available during such welding or cutting.

(8) Protective clothing.

(a) All persons shall wear protective hats while underground and also while on the surface where falling objects may cause injury.

(b) Protective footwear shall be worn by employes, officials, and others while on duty in and around a mine where falling objects may cause injury.

(c) All employes inside or outside of mines shall wear ap-

proved-type goggles or shields where there is a hazard from flying particles.

(d) Welders and helpers shall use proper shields or goggles to protect their eyes.

(e) Employes engaged in haulage operations and other persons employed around moving equipment on the surface and underground shall wear snug-fitting clothing.

(f) Protective gloves shall be worn when material which may injure the hands is handled, but gloves with gauntlet cuffs shall not be worn around moving equipment.

(g) men exposed for short periods to gas-, dust-, fume-, and mist-inhalation hazards shall wear permissible respiratory equipment. When the exposure is for prolonged periods, other measures to protect workmen or to reduce the hazard shall be taken.

(9) Internal combustion engines shall not be permitted in any coal mine.

(10) Oily rags, oily waste, and waste paper shall be kept in closed metal containers until removed for disposal.

(11) Procedure when no map filed or map incorrect.

(a) If the operator or superintendent of any mine fails to furnish to the chief any map required by this Act the chief may cause a correct survey and map of the mine or extensions thereof to be made at the expense of the owner, lessee, or operator of the mine, and the cost of the map shall be recoverable from the owner, lessee, or operator in the same manner as debts are recoverable by law. If at any time the chief has reason to believe that any map furnished under section 15 of this Act is materially incorrect, so that it will not serve the purpose for which it was intended, he may have a survey and map made or corrected, and the expense of making the survey, map, or correction shall be paid by the owner, lessee, or operator of the mine, or recovered in the same manner as debts are recoverable by law; but if the map furnished by the operator or superintendent is found to be correct, the expense of the survey and drafting of the map shall be paid by the state.

(12) Certification of map.

(a) The correctness of each map provided for in this Act shall be certified by the person making the map, as follows:

"I, the undersigned, hereby certify that this map is correct, shows to the best of my knowledge and belief all information required by the mining laws of this state and covers the period ending _____ _____, Engineer.

"Acknowledged before me, a _____ this _____day of _____"

_____

_____

(b) The chief may reject any map as incomplete if its accuracy is not so attested.

(13) Duplicate maps; survey of abandoned or closed mine.

(a) The chief shall, upon the application of any owner, lessee, or operator, make or cause to be made, at the expense of the applicant, a duplicate of any map on file in his office of any mine owned, leased, or operated by the applicant.

(b) No copy of such a map shall be made without the consent of the owner, lessee, or operator, except that when the owner of any land adjacent to or near the land of the owner, lessee, or operator files an affidavit with the chief showing ownership of the adjacent or nearby land, and alleging that he believes that the owner, lessee, or operator is encroaching upon or mining on his land, the chief shall cause to be furnished to the affiant, at the expense of the affiant, a duplicate of the map filed by the owner, lessee, or operator.

(c) When any mine is worked out or is about to be abandoned, or indefinitely closed, the operator of the mine shall make or cause to be made a final survey of the mine to show the entire worked-out area at the time the mine was abandoned or closed. The results shall be extended on the map of the mine previously made, and a copy of the survey shall be filed with the chief.

(14) Mine not to extend within twenty-five feet of property line; liability for damages.

(a) No owner or tenant of any land containing coal shall engage in mining within twenty-five feet of the line dividing the land owned or held by him from that of another person, without the written consent of every person interested in or having title to the adjoining land in possession, reversion or remainder, or the guardians of such of those persons as are infants. The owner or tenant must also have the approval of the chief.

(b) Any person who violates paragraph (a) of this subsection shall be liable in the sum of five hundred dollars to the persons injured, and the persons injured may also pursue all other remedies provided by law for the recovery of damages for injury to their property.

(15) Rights of adjoining owners.

(a) Each owner, tenant, or occupant of land on which a mine is opened and worked, or his superintendent, shall permit any person interested in or having title to any land adjoining the mined property to have ingress and egress with surveyors and assistants to explore and survey the mine at his own expense once a month for the purpose of ascertaining whether or not section 38 of this Act has been violated.

(b) Any owner, tenant, occupant, or superintendent who refuses such permission shall be liable to the person so refused in the sum of twenty dollars for each refusal, to be recovered by action.

(c) If the right granted in paragraph (a) of this subsection is refused, complaint may be made before the county judge of the county in which the mine is located, and the judge shall issue a summons to the owner, tenant, occupant, or superintendent to answer the complaint. On the return of the summons executed, and proof that the complainant has right of entry and has been refused without sufficient cause, the judge shall designate an early and convenient time for the entry to be made, and issue an order commanding the sheriff of the county to attend and prevent obstructions and impediments to the entry, exploration, and survey. The sheriff shall be allowed a fee of ten dollars for attending the survey. The cost of summons and the fee of the sheriff shall be paid by the person whose refusal occasioned the

complaint, unless the judge dismisses the complaint, in which case the party making the complaint shall pay the cost and sheriff's fee. Either party may appeal as in other actions.

(16) Mining near oil or gas wells; hearing.

(a) Before removing any coal or other material or driving any entry or passageway within five hundred feet of any natural gas or petroleum well, or before extending the workings in any mine beneath any tract of land on which such wells are also drilled, or within five hundred feet of any such well or under any tract of land in visible possession of a well operator, the coal operator shall forward simultaneously to the well operator and to the Department of Mines and Minerals, by registered mail, a copy of the maps and plans required by law to be filed and kept up to date, showing on the copy of the map or plan its mine workings and projected mine workings beneath the tract of land and within five hundred feet of its outer boundaries. The coal operator may then proceed with his mining operations in the manner indicated on the copy of the map or plan, but if the conduct of his mining operations nearer than five hundred feet to any such well, whether completed or being drilled, or to any proposed well where a derrick is being constructed for drilling, or proposed well, will endanger the use or drilling of the well, the well owner or operator affected may within five days from the receipt of the copy of the map by him and the department, file specific objections in writing to the mining operations within less than five hundred feet of the well, and if the objection is so filed the department shall notify the coal operator of the character of the objections and fix a time and place for a hearing not more than ten days from the end of said five-day period. At the hearing, the coal operator and the well operator, or such of them as are present or represented, shall proceed to consider the objections and agree upon the character and extent of operations to be conducted within less than five hundred feet of the well so as to satisfy the objections raised and meet the approval of the department and, if no agreement can be reached, the department, after a full hearing, shall make a decision defining what coal, if any, is necessary to be left for the safe protection of the use and operation of the well. The decision shall be subject to appeal by

either party as provided in section 4 of this Act. The department shall keep a complete record of all such hearings.

(b) The coal operator shall, at least every six months, bring up to date the maps and plans required by this section or file new maps and plans complete to date.

(c) Any person who violates any of the provisions of this section shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not less than six months nor more than twelve months, or both, at the discretion of the court or jury trying the case.

(17) Conduct in mine; intoxication prohibited.

(a) No person shall knowingly injure any shaft, lamp, instrument, air course, or brattice, obstruct or throw open airways, disturb any part of the machinery or appliances, open a door used for directing ventilation without closing it afterwards, enter any part of a mine against caution, disobey any order given in carrying out any of the provisions of this Act, do any act endangering the life or health of any person employed in the mine, or endangering the security of the mine, or enter or be about any mine while intoxicated or under the influence of alcohol.

(18) Mine rules.

(a) The operator of any mine may adopt special rules consistent with this Act for the government and operation of his mine, and covering all the work pertaining thereto in and out of the mine. Before the rules are put into effect they shall be approved in writing by the chief of the department. The rules, when adopted and approved in writing by the chief, shall be printed on cardboard and shall be posted on a bulletin board or some other conspicuous place about the mine where they may be seen by the employes at the mine. When the rules are so adopted, approved, and posted, all employes at the mine shall be deemed to have notice thereof.

(b) The mine rules shall be printed in a form prescribed by the chief of the department.

(c) Each mine operator, when requested by an employe, shall furnish him a copy of the mine rules.

Section 39. *Penalties.* Except as otherwise provided in this Act, any wilful neglect, refusal, or failure to do the things required to be done in this Act on the part of any person herein required to do them, or any violation of the provisions or requirements thereof, or any attempt to obstruct or interfere with any person in the discharge of the duties herein imposed upon him, or any refusal to comply with the provisions of this Act shall be punishable by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment in the county jail for a period of not less than ten days nor more than ninety days, or both, at the discretion of the court or jury trying the case.

Section 40. *Repeal.* Chapters 351 and 352 of the Kentucky Revised Statutes are repealed.

By Mr. Threlkeld.

H. B. No. 11. AN ACT relating to terms of court in the Fifteenth Judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (15) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in county at the following named time, and continue, if the business requires it, the number of days hereinafter pre-prescribed:

* * * * *

(15) **Fifteenth District.** Boone County, at Burlington, on the second Monday in April, August and December, twelve juridical days each.

Carroll County, at Carrollton, on the fourth Monday in April, August and November, twelve juridical days each.

Gallatin County, at Warsaw, on the third Monday in March and fourth Monday in June, twelve juridical days each; on the third Monday in November, six juridical days.

Grant County, at Williamstown, on the first Monday in

February and October, eighteen juridical days each; on the first Monday in July, twelve juridical days.

Owen County, at Owenton, on the first Tuesday after the fourth Monday in February and October, seventeen juridical days each; on the third Monday in July, eighteen juridical days.

Section 2. This Act shall become effective on September 1, 1952.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. No. 1. A JOINT RESOLUTION, appropriating the sum of Two Thousand ($2,000.00) Dollars, for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars, for a contingent fund for the Clerk of the House.

Said resolution is as follows:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky, there is set aside out of the appropriation made by Chapter two (2) of the Acts of 1948 for legislative sessions as a contingent fund, the sum of Two Thousand ($2,000.00) Dollars, and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives, of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter two (2) of the Acts of 1948 for legislative sessions as a contingent fund, the sum of Two Thousand ($2,000.00) Dollars. Said respective funds, shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerks of the Senate and of the House of Representatives.

WHEREAS, it is necessary that these contingent funds for the Chief Clerks of the Senate and House of Representatives be immediately available, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage

and approval by the Governor of the Commonwealth of Kentucky.

Mr. Lowman moved that said resolution be adopted.

Said motion being duly seconded, was agreed to.

Mr. Lowman moved the previous question.

Whereupon the Speaker announced "shall the main question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Lewis W. Combest	Leslie Gay
Henry Arrowood	Marvin A. Cornett	Henry J. Giles
J. Everett Bach	R. Josh Cosby	Chas. M. Greene
Sidney Baer	Charles M. Crowe	Henry C. Hale
John Rhea Banton	J. C. Denney, Jr.	Eugene B. Hancock
Clarence J. Barnum	C. E. Dowell	George F. Harris
Owen Billington	James A. Dressman, Jr.	Farmer Helton
Wm. W. Blanton	Thomas R. Duncan	William K. Henry
R. O. Blevins	R. L. Dunigan	Thomas D. Hewlett
J. C. Bradley	Jack Early	Henry R. Heyburn
Ed. T. Breathitt	Harold Edwards	E. R. Hilton
Edward O. Bridgers	William Engle	Ray Holbrook
Thomas L. Britton	Roscoe Estep	Chester J. Holsclaw
Alex H. Calvert	Herbert Fern	William M. Horn
Walter J. Chyle, Jr.	Wm. P. Friedlander	Paul S. Jonas

William L. Jones	Bart N. Peak	E. H. (Ted) Stumbo
James W. Lambert	Louis T. Peniston	Egbert V. Taylor
Jesse H. Lawrence	Hobart Rayburn	Albert Thomason
Paul M. Lewis	Tipton Reed	William F. Threlkeld
Mrs. J. T. Linton	J. F. Robinson	J. B. Veech
Harry K. Lowman	Earl Rogers	Eulick (Mike) Walsh
Shelby McCallum	Joe Rouse	Wm. Thos. Wathen
G. Lee McClain	Carl J. Ruh	L. M. Weathers
Russell L. Meadows	Amos Runyon	W. W. Webster
Tom Mobley	Cecil Sanders	Hicks Wells
Robert H. Moore	Clem Schroader	William B. Wells
Walter R. Moorman	Gus F. Sheehan, Jr.	W.A.(Pete)Wickliffe
Fred H. Morgan	Dr. B. F. Shields	Charles W. Wirsch
Earl F. Murphy	John A. Sloan	Walker H. Wiseman
Thomas J. Murphy	E. A. Spencer	Garrett L. Withers
Ewin C. Neville	Mrs. Thelma Stovall	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered by the Clerk of the House to the Senate.

After a time the Chief Clerk of the House, announced that the said resolution had been delivered to the Senate in open session.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. No. 2. A JOINT RESOLUTION appropriating additional compensation for officers and employees of the House and Senate and declaring an emergency.

Said resolution is as follows:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated from the Legislative Ses-

sion Fund as additional compensation for the following officers and employees of the Senate and House of Representatives:

Cloakroom Keepers (2)

Janitor

Pages (4)

Assistant Clerk

Enrolling Clerk

Sergeant-at-Arms

Doorkeeper

to that compensation as provided for in KRS 6.230, the sum of Four Hundred Dollars ($400.00) per diem, for each body, for the duration of the 1952 Regular Session.

That the aforesaid amount shall be prorated among the aforenamed constitutional officers and employees, according to the per diem set forth in KRS 6.230, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on this basis.

That the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives for the abovenamed amounts, and that the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives are further directed to distribute the additional compensation to the above mentioned officers and employees as provided in KRS 6.230.

WHEREAS, it is necessary that this additional compensation be received by the officers and employees of the 1952 regular session in order to expedite properly the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this resolution shall be effective from and after its passage and approved by the Governor of the Commonwealth of Kentucky.

Mr. Lowman moved that said resolution be adopted.

Said motion having been duly seconded, was agreed to.

Mr. Lowman moved the previous question.

Whereupon the Speaker announced "shall the main question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

Those who voted in the affirmative were—

Bill Adams	Marvin A. Cornett	Henry C. Hale
Dr. John Adkins, Jr.	R. Josh Cosby	Eugene B. Hancock
Henry Arrowood	Charles M. Crowe	George F. Harris
J. Everett Bach	J. C. Denney, Jr.	John Head
Sidney Baer	C. E. Dowell	Farmer Helton
John Rhea Banton	James A. Dressman, Jr.	William K. Henry
Clarence J. Barnum	Thomas R. Duncan	Thomas D. Hewlett
Owen Billington	R. L. Dunigan	Henry R. Heyburn
Wm. W. Blanton	Jack Early	E. R. Hilton
R. O. Blevins	Harold Edwards	Ray Holbrook
J. C. Bradley	William Engle	Chester J. Holsclaw
Ed. T. Breathitt	Roscoe Estep	William M. Horn
Edward O. Bridgers	Herbert Fern	Paul S. Jonas
Thomas L. Britton	Wm. P. Friedlander	William L. Jones
Alex H. Calvert	Leslie Gay	James W. Lambert
Walter J. Chyle, Jr.	Henry J. Giles	Jesse H. Lawrence
Lewis W. Combest	Chas. M. Greene	Paul M. Lewis

Mrs. J. T. Linton	Hobart Rayburn	Egbert V. Taylor
Harry K. Lowman	Tipton Reed	Albert Thomason
William Maglinger	J. F. Robinson	William F. Threlkeld
Shelby McCallum	Earl Rogers	J. B. Veech
G. Lee McClain	Joe Rouse	Eulick (Mike) Walsh
Russell L. Meadows	Carl J. Ruh	Wm. Thos. Wathen
Tom Mobley	Amos Runyon	L. M. Weathers
Robert H. Moore	Cecil Sanders	W. W. Webster
Walter R. Moorman	Clem Schroader	Hicks Wells
Fred H. Morgan	Gus F. Sheehan, Jr.	William B. Wells
Earl F. Murphy	Dr. B. F. Shields	W.A.(Pete)Wickliffe
Thomas J. Murphy	John A. Sloan	Charles W. Wirsch
Ewin C. Neville	E. A. Spencer	Walker H. Wiseman
Bart N. Peak	Mrs. Thelma Stovall	Garrett L. Withers
Louis T. Peniston	E. H. (Ted) Stumbo	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered by the Clerk of the House to the Senate.

After a time the Chief Clerk of the House, announced that the said resolution had been delivered to the Senate in open session.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. No. 3. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest."

Said resolution is as follows:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. The Perry Publishing Company is authorized and directed to furnish 200 copies of "The Legislative Digest," each day the House or Senate is in session, for delivery and distribu-

tion as provided in Section 2 of this Resolution, for which said company shall be paid the sum of $4,500.00 out of the appropriation for expenses of legislative sessions for the current fiscal year made by Chapter 2 of the Acts of 1948. The Department of Finance shall issue its warrant for payment of this amount upon receipt of a voucher for the same endorsed and approved by the Speaker of the House of Representatives and the President of the Senate.

2. The distribution of "The Legislative Digest" shall be as follows:

(a) 110 copies to the Clerk of the House for distribution to the members of the House and to such officers of the House as the Speaker may direct.

(b) 45 copies to the Clerk of the Senate for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct.

(c) 45 copies to the Governor and to such officers and employes of the Commonwealth as the Governor, the President of the Senate and the Speaker of the House may direct.

3. WHEREAS, in order that the functions of the General Assembly may be expedited, it is essential that The Legislative Digest be available to the members during the present session, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

Mr. Lowman moved that said resolution be adopted.

Said motion having been duly seconded, was agreed to.

Mr. Lowman moved the previous question.

Whereupon the Speaker announced "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

Those who voted in the affirmative were—

Bill Adams	Leslie Gay	Louis T. Peniston
Dr. John Adkins, Jr.	Henry J. Giles	Hobart Rayburn
Henry Arrowood	Chas. M. Greene	Tipton Reed
J. Everett Bach	Henry C. Hale	Earl Rogers
Sidney Baer	Eugene B. Hancock	Joe Rouse
John Rhea Banton	George F. Harris	Carl J. Ruh
Clarence J. Barnum	John Head	Amos Runyon
Owen Billington	Farmer Helton	Cecil Sanders
Wm. W. Blanton	William K. Henry	Clem Schroader
R. O. Blevins	Thomas D. Hewlett	Gus F. Sheehan, Jr.
J. C. Bradley	Henry R. Heyburn	Dr. B. F. Shields
Ed. T. Breathitt	E. R. Hilton	John A. Sloan
Edward O. Bridgers	Ray Holbrook	E. A. Spencer
Thomas L. Britton	Chester J. Holsclaw	Mrs. Thelma Stovall
Alex H. Calvert	William M. Horn	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Paul S. Jonas	Egbert V. Taylor
Lewis W. Combest	Jesse H. Lawrence	Albert Thomason
Marvin A. Cornett	Paul M. Lewis	William F. Threlkeld
R. Josh Cosby	Mrs. J. T. Linton	J. B. Veech
Charles M. Crowe	Harry K. Lowman	Eulick (Mike) Walsh
J. C. Denney, Jr.	William Maglinger	Wm. Thos. Wathen
C. E. Dowell	Shelby McCallum	L. M. Weathers
James A. Dressman, Jr.	G. Lee McClain	W. W. Webster
Thomas R. Duncan	Russell L. Meadows	Hicks Wells
R. L. Dunigan	Tom Mobley	William B. Wells
Jack Early	Walter R. Moorman	W. A. (Pete) Wickliffe
Harold Edwards	Fred H. Morgan	Charles W. Wirsch
William Engle	Earl F. Murphy	Walker H. Wiseman
Roscoe Estep	Thomas J. Murphy	Garrett L. Withers
Herbert Fern	Ewin C. Neville	
Wm. P. Friedlander	Bart N. Peak	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered by the Clerk of the House to the Senate.

After a time the Chief Clerk of the House, announced that the said resolution had been delivered to the Senate in open session.

The Speaker named the following Committee to contact the Custodian to arrange for the securing of Committee Rooms of the various committees of the House, viz: Mr. E. R. Hilton, Chairman, Mr. Bill Henry and Mr. George Harris.

BILLS REFERRED

The Speaker announced that the Committee on Committees has referred the following bills to the following named committees, the membership of which will be announced later.

House Bill No. 1—Fish & Game

House Bill No. 2—Committee on Committees

House Bill No. 3—Constitutional Amendments

House Bill No. 4—Cities of Fourth Class

House Bill No. 5—Ky. Statutes No. 2

House Bill No. 6—Cities of Fourth Class

House Bill No. 7—Ky. Statutes No. 2

House Bill No. 8—Education

House Bill No. 9—Ky. Statutes No. 1

The Speaker announced that the Committee on Committees had named the following members on committees as follows:

KENTUCKY STATUTES No. 1 WAYS & MEANS

William W. Blanton
Sidney Baer
William Engle
Roscoe Estep
Henry C. Hale
Eugene B. Hancock
George F. Harris
Mrs. J. T. Linton, Chairman
G. Lee McClain
Louis T. Peniston
Hobart Rayburn
Garrett L. Withers
Mrs. Mary E. Burnett
Chester J. Holsclaw, Chairman
William K. Henry
Tipton Reed
Amos Runyon
Dr. B. F. Shields
Mrs. Thelma L. Stovall
Egbert V. Taylor
William F. Threlkeld
William Thomas Wathen
William B. Wells

KENTUCKY STATUTES No. 2

Edward O. Bridgers
Alex H. Calvert, Chairman
Thomas R. Duncan
Ray Holbrook
Paul S. Jonas
Harry King Lowman
Robert H. Moore
Fred H. Morgan
J. B. Veech

Mr. Lowman moved that the House do now adjourn to meet again at 12:45 o'clock, p.m., Tuesday, January 15, 1952.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 15, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend William P. Wilhoyte, pastor of the Church of the Nazarene, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Henry J. Giles	Louis T. Peniston
Dr. John Adkins, Jr.	Chas. M. Greene	Hobart Rayburn
Henry Arrowood	Henry C. Hale	Tipton Reed
J. Everett Bach	Eugene B. Hancock	J. F. Robinson
Sidney Baer	George F. Harris	Earl Rogers
John Rhea Banton	John Head	Joe Rouse
Clarence J. Barnum	Farmer Helton	Carl J. Ruh
Owen Billington	William K. Henry	Amos Runyon
Wm. W. Blanton	Thomas D. Hewlett	Cecil Sanders
R. O. Blevins	Henry R. Heyburn	Clem Schroader
J. C. Bradley	E. R. Hilton	Gus F. Sheehan, Jr.
Ed. T. Breathitt	Ray Holbrook	Dr. B. F. Shields
Edward O. Bridgers	Chester J. Holsclaw	John A. Sloan
Thomas L. Britton	William M. Horn	E. A. Spencer
Mrs. Mary E. Burnete	Paul S. Jones	Mrs. Thelma Stovall
Alex H. Calvert	William L. Jones	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Jennings Kearby	Egbert V. Taylor
Lewis W. Combest	James W. Lambert	Albert Thomason
Marvin A. Cornett	Jesse H. Lawrence	William F. Threlkeld
R. Josh Cosby	Paul M. Lewis	Marion Vance
Charles M. Crowe	Mrs. J. T. Linton	J. B. Veech
J. C. Denney, Jr.	Harry K. Lowman	Eulick (Mike) Walsh
C. E. Dowell	William Maglinger	Wm. Thos. Wathen
James A. Dressman, Jr.	Shelby McCallum	L. M. Weathers
Thomas R. Duncan	G. Lee McClain	W. W. Webster
R. L. Dunigan	Russell L. Meadows	Hicks Wells
Jack Early	Tom Mobley	William B. Wells
Harold Edwards	Robert H. Moore	W. A. (Pete) Wickliffe
William Engle	Walter R. Moorman	Charles W. Wirsch
Roscoe Estep	Fred H. Morgan	Walker H. Wiseman
Herbert Fern	Earl F. Murphy	Garrett L. Withers
	Thomas J. Murphy	Charles W. Burnley
Wm. P. Friedlander	Ewin C. Neville	Speaker
Leslie Gay	Bart N. Peak	—99

Mr. Baer moved that the absentees be granted a leave of absence.

The absentees being as follows: Morris Weintraub.

Mr. Shehan moved that the reading of the Journal of the proceedings of Monday, January 14, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Harry King Lowman moved that the Speaker appoint a committee to wait upon the Governor and the Senate and to notify them that this House is now ready to hear the Governor's message.

Said motion was agreed to.

Thereupon the Speaker appointed the following as members constituting said Committee.

Ewin C. Neville, Garrett L. Withers, Marion Vance, Joe Rouse, Mary E. Burnett, Earl F. Murphy, Henry C. Hale.

Thereupon the Senate of Kentucky appeared and in order entered upon the floor of the House of Representatives and the Honorable Emerson Beauchamp, Lieutenant Governor and President of the Senate, took the Chair and presided, and the Honorable Charles W. Burnley, Speaker of the House of Representatives, having taken his seat on the left of the President of the Senate, the two Houses were convened in Joint Session which was composed of a majority of all the members elected to each House.

There being no objection, the call of the roll of the Senate and House of Representatives in Joint Session was dispensed with.

After a time the Committee aforesaid, appeared upon the floor of the House with His Excellency, Lawrence W. Wetherby, Governor of the Commonwealth of Kentucky, who took his place at the Clerk's desk.

The Joint Session was opened with prayer by the Reverend E. W. Baxter, pastor of the Episcopal Church, Frankfort, Kentucky.

His Excellency, Lawrence W. Wetherby, Governor of the Commonwealth of Kentucky, addressed the General Assembly in Joint Session, as follows, viz:

GOVERNOR'S MESSAGE

TO JOINT SESSION

GENERAL ASSEMBLY

COMBINED STATE OF THE COMMONWEALTH & BUDGET MESSAGE

JANUARY 15, 1952

Frankfort Kentucky

LIEUTENANT GOVERNOR BEAUCHAMP, MR. SPEAKER BURNLEY and MEMBERS OF THE GENERAL ASSEMBLY:

In compliance with the Constitution, I requested this opportunity to appear before you so that I might report on the general operations of State Government, its finances, and my recommendations dealing with the State's fiscal policy, during the next two-year period.

From time to time during this session, I shall make additional recommendations, either by personal appearance, or through the duly elected leaders of the House and Senate. Today, I shall discuss the general operations of State government for the past four years, make certain specific recommendations, and submit a budget covering the next two-year period.

I am fully aware of the tremendous job that lies ahead, which requires our attention. You are invited, individually and collectively, to consult and discuss with me, at any and all times, any problems or subjects which affect you, me, or the people of Kentucky.

It is gratifying to report much progress in the operations of State government. Many advances can be accredited to the sound legislative programs that the General Assembly enacted in the regular session of 1948, the special session of 1949, the regular session of 1950, and the special session of 1951.

This report will be a brief summary of what has been done during this period. Brevity decrees that many items of progress be left out. Some of the agencies will be omitted, but an examination of the records of every department indicates progress.

The departments I will discuss are those that touch directly, and affect the welfare of thousands of Kentucky's citizens.

DEPARTMENT OF HIGHWAYS

This department has inaugurated a balanced construction and maintenance program, including both primary highways, and rural roads and bridges.

The construction figures show eight thousand, six hundred, and two miles of roads completed, or under contract. From the two-cent road tax enacted by the 1948 General Assembly, the department has constructed, or contracted for nearly four thousand miles of rural roads, at a cost of $36,623,237. The department's expanded program has contributed greatly to the promotion of the tourist industry.

Recently, a reorganization of the department, as recommended by the Public Administration Service, and the Committee on Functions and Resources, has been undertaken. A five-year plan of major highway improvement has been adopted.

DEPARTMENT OF WELFARE

During the past year, this department has been reorganized. A trained psychiatrist now heads its Division of Hospitals and Mental Hygiene, and greater emphasis is being placed on treatment.

The special session of 1951 gave the Welfare Department an additional seven hundred and fifty thousand dollars. In 1948, Kentucky spent ninety-nine cents a day for each patient in its mental hospitals. Today, one dollar and sixty cents is being spent. Both figures exclude food produced by the department.

An extensive building program is under way at Central, Eastern, and Western State Hospitals. Additional medical equipment has been supplied to all of them. We are progressing, and the additional recommendations I shall make will, I believe, give Kentucky an adequate mental health program.

Concerted efforts have been made to raise the standards at both houses of reform at Greendale.

The Division of Agricultural Production was established in the Welfare Department in 1950. Food produced on the farms, during the last fiscal year, was valued at eight hundred and twenty-seven thousand dollars.

AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

In 1948, the General Assembly established this Board, to study Kentucky's potentials, and to encourage increased use of our resources.

It has made community surveys of forty-two cities. These surveys are available to industries seeking Kentucky locations. It has been instrumental in bringing more than seventy million dollars worth of new plants to the State.

The Board has published a land capability map, showing where industries depending largely upon the soil can profitably locate.

DEPARTMENT OF CONSERVATION

Attendance at State parks jumped from 373,589, during the 1947-48 fiscal year, to 2,041,743 in 1950-51. Four new parks, Kentucky Dam Village, Kentucky Lake, Cherokee, and Carter Caves, have been built since 1947. One of the country's finest hotels will be opened at Kentucky Lake in March. Our entire park system has been improved. It is now one of the best in the nation, and largely accounts for the tremendous increase in our tourist business, which exceeded three hundred million dollars last year.

Also in this department are the Divisions of Soil and Water Resources, Forestry, and Flood Control and Water Usage.

The Soil and Water Resources Division has assisted in the organization of twenty-five soil conservation districts since 1947. The Division of Forestry now provides organized forest fire protection for four million, two hundred and fifty-four thousand acres of State and private forest land, and the Division of Flood Control and Water Usage has reviewed and approved reports on proposed improvements on the Upper Cumberland, Lower Cumberland, Fernbank, and Greenup dams.

DEPARTMENT OF ECONOMICS SECURITY

This department was established in 1948. Under it, old age assistance grants have been increased from an average of $17.30 monthly, in January, 1948, to $29.77 at the present. Aid to the needy blind has increased from an average grant of $18.44, to $31.82. Aid to dependent children has increased from $34.25 a family, to $41.96. Maximum payments for needy blind and old age assistance are now $50 a month, and maximum payments for dependent children have been raised to $27 for a parent, $27 for the first child, and $18 for each additional child.

The 1951 special session of the General Assembly enacted legislation making possible social security coverage for State and local governmental employees, which program is administered by this department. Practically all State employees have been covered, and agreements have been made with more than seventy-eight political subdivisions to cover their employees.

DEPARTMENT OF HEALTH

This department has adopted a policy of local control for local health departments. A formula for fair and equitable distribution of State and Federal funds to local health departments was instituted.

Seven additional counties opened local health departments, making a total of one hundred and eleven. Three mobile health units were placed in service, for local health departments to use in remote areas. Trained administrators were placed in nineteen counties, where there are no full-time medical health officers. Twenty-five new community hospitals, and thirteen additions to existing hospitals, have been completed since 1947. Federal Hill-Burton Hospital Constructions funds brought to Kentucky under this program total $20,546,828.

STATE TUBERCULOSIS SANATORIA COMMISSION

This commission was created by the 1948 General Assembly. Five new hospitals for tuberculosis treatment have been accepted, and the State now has five hundred more beds.

New techniques of care are giving the hospitals a greater

record of service, through a larger turn-over of patients. Kentucky's death rate from tuberculosis has been reduced from 58.2, to 36.6, per one hundred thousand population. More than three times as many people were X-rayed by mobile units, under the Department of Health, than in the previous five years.

DEPARTMENT OF EDUCATION

The level of financial support for public education is higher today than at any time in the history of the Commonwealth. The common school fund, during the past four years, has been increased from $19,501,245, to $30,500,000, or 56.4 per cent. At the same time, local school districts have increased their tax revenue from $21,795,333, to $36,963,034, an increase of 69.6 per cent. The per capita fund has been increased by 49.3 per cent.

As a result of the six million dollar appropriation by the special session of 1951, the per capita reached $38.40, and teachers received an average salary increase of $300.

The number of emergency teachers employed has been decreased from about five thousand, three hundred, to approximately two thousand, nine hundred, for the year 1951-52. Teachers' salaries have been increased from an average of $1,555, in 1946-47, to an average of $2,350, in 1951-52.

DEPARTMENT OF FINANCE

This department is better organized, staffed, and equipped, to meet the demands made upon it by all other agencies of State government, than at any time since its creation. It now has a full-time budget director, streamlined accounting methods, and a new program for recruiting and training State employees.

The Division of Purchases has improved its operations by spreading its buying assignments among qualified buyers who specialize in certain items. It has established a central store, to furnish supplies to various agencies. By this method, fifty-four thousand dollars was saved during the fiscal year 1950-51.

DEPARTMENT OF REVENUE

The department has sought to eliminate tax evaders through a policy of education and enforcement, by the use of federal in-

come tax records. The number of pay returns since 1948 has increased approximately 125 per cent.

Local property assessments have had the attention of the department since 1948. The general property tax calendar, from assessment to collection, has been shortened from eighteen to twelve months. Taxes are now collected in the same year assessment is made.

The cost of administration is one of the lowest in the nation. It takes only a little more than one cent of each tax dollar to pay for collecting it.

DEPARTMENT OF STATE POLICE

The State Police Force was activated July 1, 1948, as the law enforcement arm of the State, to replace the old Highway Patrol. This department of State government has made rapid strides since its organization. It has been able to recruit some of the highest type young men in Kentucky.

It now has the respect and confidence of the public generally, and serves as a supplement to local law enforcement agencies in all sections of the Commonwealth. The department has made a fine contribution towards the development of a highway safety program.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

The department has tightened controls, and adopted a much stricter enforcement policy. The department has recently adopted a regulation designed to cut down juvenile delinquency by strictly enforcing a ban on minors in taverns.

Later in this message I will recommend specific legislation concerning this department.

DIVISION OF GAME AND FISH

Last year, the Wildlife Management Institute ranked Kentucky seventh among the states.

Kentucky has the best Junior Club Educational Program in the nation. There are now about twenty-five thousand Kentucky

boys in Junior Conservation Clubs, in all counties of the State. The clubs own two camps, and will soon have a third.

DEPARTMENT OF INDUSTRIAL RELATIONS

This department administers a Workmen's Compensation Act that gives more protection to the working man and his family than any similar Act Kentucky has had. Maximum family benefits have been increased from fifteen dollars a week, to twenty-three dollars. The maximum compensation payable to a totally disabled employee has been increased from eighteen dollars a week, to twenty-four dollars.

LEGISLATIVE RESEARCH COMMISSION

This commission was created by the 1948 General Assembly, as a continuing arm of the legislature. Since 1950, it has worked on numerous projects upon which it will report during this session.

It also worked with the Committee on Functions and Resources of State Government, and their report, I am sure, will be submitted soon.

At this point, I would like to make some specific recommendations to you, upon legislation which I consider essential to the welfare and advancement of Kentucky, and which the people have endorsed during recent months.

FIRST, I recommend that you enact into law, a new Registration and Purgation Act. In December, 1950, I requested the Legislative Research Commission to appoint a group of officials and citizens, to study the Registration and Purgation Law of the State, and to prepare a bill designed to remedy the defects in our existing law.

The committee has devoted much time and study to this problem, and has prepared what they consider a good law.

The bill will be introduced by the majority leader of the House of Representatives, and I ask you to enact it into law.

The enactment of such a law will encourage our citizens to exercise one of their most precious rights, and will encourage more of them to participate in elections.

SECOND, I recommend that you enact into law a Child Welfare Code, which will recodify the laws pertaining to children, and will establish a State Youth Authority.

The Legislative Research Commission, aided by an advisory committee of interested citizens, has devoted much time and study to this problem.

The bill which they have drafted will be introduced by the majority leader of the House of Representatives, and I ask you to enact it into law.

The enactment of this bill will go a long way, toward remedying some of the evils now existing in our State under present law. It will give to the Youth Authority, the right to determine the needs, and protect the children committed to it.

THIRD, I recommend that you enact into law an Act creating a Department of Mental Health.

During the last year, we have reorganized the Department of Welfare, and have secured as the head of the Division of Mental Hygiene a competent psychiatrist, who has demonstrated during this period that it is possible, through a treatment program, to return many unfortunate citizens to useful lives.

All functions of our Welfare Department have shown tremendous improvement. Under present organization however, the vast scope of the Department's responsibilities complicates its administration and operation.

The separation of mental and penal institutions into two departments will allow for the improvement of each, and will permit increased emphasis on the mental health treatment program. With one man heading each department, much closed supervision will be possible.

It is for these reasons that I recommend that you remove the Division of Hospitals and Mental Hygiene, from the Department of Welfare, and create a separate Department of Mental Health.

This bill will be introduced by the majority leader of the House of Representatives, and I ask you to enact it into law.

FOURTH, I recommend that you enact into law an Act pro-

viding for the mandatory suspension or revocation of the license to sell alcoholic beverages, upon conviction of the licensee, or his agent, of gambling on the premises.

A question has been raised as to the power of the Alcoholic Beverage Control Board, to revoke such a license or permit on these grounds.

In order to clarify the law, and to enable the Alcoholic Beverage Control Board to follow a stricter law enforcement policy, I deem it advisable to have such a law enacted.

This bill will be introduced by the majority leader of the House of Representatives, and I ask you to enact it into law.

FIFTH, I recommend that you enact into law an Act which makes the fixing of athletic contests a felony.

Our Commonewealth has been shocked in recent months by the basketball scandals, and in order to deter any such future actions in our State, I believe such legislation advisable.

The majority leader of the Senate has heretofore introduced such a bill, and I ask you to enact it into law.

SIXTH, I recommend that you enact into law an Act increasing the penalties for the illegal sale and distribution of narcotics.

The illegal use of narcotics has rapidly increased, and in recent months, the sale and distribution of narcotics to children has increased throughout the country.

In order to prohibit such occurrences in Kentucky, it seems advisable that a stiffer penalty should be provided for the punishment of those illegally selling or distributing narcotics.

The State Department of Health is preparing such legislation at this time, and upon its introduction, I ask you to enact it into law.

SEVENTH, I recommend that you enact into law an Act which will remove the University of Kentucky, and all of the State colleges of the Commonwealth, from the control of the Personnel Division of the Department of Finance.

Since the passage of the Reorganization Act, technically, but

not by practice, the employees of the University and State colleges have been under the Division of Personnel.

The bill will be introduced by the majority leader of the Senate, and I ask you to enact it into law.

These are specific recommendations which I make at this time. You will notice that I have not mentioned one of the most involved problems facing this session of the Legislature, that of redistricting Kentucky.

I have omitted this purposely. I believe that if all of us will give our immediate attention to the budget bill—these specific recommendations, and your own bills, we can then give our undivided attention to the passage of a redistricting bill, and in so doing, assure a more orderly business schedule.

So that the various agencies of State government may plan their programs during the next two-year period, it is necessary for you first to enact a budget law.

In preparing this budget, the principal aim has been to allocate equitably the general fund revenues to provide for essential functions of government. This budget allocates every dollar in hand, and in sight, all anticipated revenue for recurring types of expenditure, and all anticipated surplus as of June 30, 1952, for capital outlay and other non-recurring expenses.

Requests for general fund support from the State's agencies and departments, exclusive of capital outlay, totaled approximately two hundred and twelve million dollars for the next biennium.

The Commissioner of Revenue estimates that the present tax structure will yield one hundred and fifty-nine million dollars during the next biennium. The estimate is based on the assumption that the Legislature will re-enact the existing income tax rates, and the current inflationary trend will continue during the next two-year period.

We recognize that many agencies of State government could wisely use more money than is proposed by this budget. However, the estimated general fund expenditure for this year, 1951-52, is seventy-two and one-half million dollars. . To continue this

rate of expenditure for the next two years will require a total of one hundred and forty-five million dollars, leaving a difference between the present rate of expenditure and anticipated revenue of fourteen million dollars, for allocation.

This budget recommends that the General Assembly appropriate seven million, nine hundred thousand dollars, of the fourteen million, for education purposes, four million, two hundred thousand dollars for health and welfare, and one million, nine hundred thousand dollars for all other governmental activities.

Expenditures this year for education are estimated at thirty-nine million, eight hundred thousand dollars. To continue this rate, appropriations for the next two years would be seventy-nine million, six hundred thousand dollars. This budget recommends appropriations for education totaling eighty-seven million, five hundred thousand dollars, an increase of seven million, nine hundred thousand dollars.

The major portion of the educational increase goes to the common school fund. The recommended appropriation for the biennium is $64,588,500, which is $15,588,500 more than was appropriated to the fund by the 1950 General Assembly.

The appropriation by the General Assembly to the common school fund, in 1950, was forty-nine million dollars, for the 1950-52 biennium. The 1951 special session of the General Assembly appropriated an additional six million dollars, which was to meet an emergency. An examination of this budget will show that we have been able to continue this increase for each of the next two years, and to add an additional sum of $3,588,500, for the biennium. Over the three-year period, including the current fiscal year and the coming biennium, the increase over the 1950 appropriation to the common school fund is $21,588,500.

The increase recommended in this budget is for the equalization portion of the fund. At present, the equalization is 14.05 per cent of the common school fund. The recommended appropriation will bring this figure to 17.53 per cent for 1952-53, and to 20.08 per cent for the fiscal year 1953-54.

Proposed appropriations for mental health services for the

biennium are $9,942,000. This is an increase of one million, one hundred thousand dollars.

During recent years, Kentucky has steadily improved and expanded the physical plants of our mental hospitals. Mere custodial care however, does little to reduce population of our institutions, because it does not discharge patients rapidly enough to stabilize hospital population.

The recommended appropriation for mental hospitals will provide for an intensive treatment program. The cost of mental health will rise, but at a far lower rate than would result from custodial care without additional treatment.

Thus, in the long run, a treatment program, aside from the humanitarian aspects, will result in economy.

This budget proposes $2,250,000 to enable the Health Department to establish units in all counties, and bring them to an economical operating level. This is an increase of $844,800.

The county health department is the basic unit in the State's program of providing health services to its citizens. Many of these departments are understaffed, and inadequately equipped, and do not give the State full value for each dollar expended, or serve their communities effectively.

The additional appropriations to health and welfare will be found in the tuberculosis hospital program, Welfare Department for the penal institutions, and other health and welfare services.

The distribution of the one million, nine hundred thousand dollar proposed increase under this budget, for all other governmental activities, is shown by your budget document.

Many factors, such as price increases, increased cost of personal services, loss of federal funds, and cost of replacing equipment, have been considered in reviewing the needs and distributing funds for support of all agencies.

The Commissioner of Finance estimates that the available surplus as of June 30, 1952, will be $12,894,720. I recommend appropriation of the entire amount for non-recurring expenditures.

The proposed budget appropriates from surplus ten million, six hundred thousand dollars, to the State Property and Buildings Commission.

This amount will enable the State to continue a planned building program in an orderly, systematic manner.

This budget also recommends appropriation of $348,220 from the general fund surplus, to the Teachers' Retirement Fund. This meets a need which is a result of legislative action imposing additional obligations against the fund.

Also recommended is an appropriation of forty thousand dollars to the Department of Education, to complete the survey of school facilities.

Other appropriations recommended go to the Agricultural and Industrial Development Board, to continue the mapping program, to the Airport Development Account, and to the Department of Finance and Statute Revision Commission, to establish working funds.

There is a further consideration in regard to surplus. In the event revenues do not reach expectations, the Commissioner of Finance will have the authority to reduce allotments. It is also necessary that we have flexibility, should revenues exceed the estimate.

To take care of such contingency, an escalator clause is included in the budget, which appropriates to a special emergency fund any revenues, up to three million dollars in excess of the first year's estimate of seventy-eight million dollars. Should any revenue accrue to this fund, it may be allocated by the Governor during the second year of the biennium.

This budget was prepared to distribute all available and anticipated funds under the existing revenue laws. In its preparation we have not anticipated any new tax measures. If YOU should make any additional appropriations, it will be necessary for YOU to enact revenue measures to support such appropriations.

Mr. Lowman moved that the Joint Session of the General Assembly do now dissolve.

Said motion was agreed to.

The Joint Session dissolved.

The Speaker resumed the Chair and called the House to Order.

Mr. Henry Arrowood offered the following resolution, viz: H. Res. No. 4.

A JOINT RESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

WHEREAS, the general welfare of Eastern Kentucky is dependent upon the full scale operation of the coal industry in that section of the State, and

WHEREAS, all the people of the State of Kentucky benefit from the economic well-being of any of its sections, and

WHEREAS, the coal industry in the Big Sandy Valley of Eastern Kentucky is at a distinct disadvantage in competing with coal producing regions of some other states, which are able to ship their coal to market by river as well as other means of transportation, and

WHEREAS, widespread unemployment has developed in the Big Sandy Valley due to this situation, and

WHEREAS, the building of a series of locks and dams on the Big Sandy River would provide a new means of transportation for coal from that area, thereby putting the valley in an equal competitive situation with that of other areas, and

WHEREAS, the U. S. Corps of Engineers has recommended the canalization of the Big Sandy River as being a project worthy of construction by the Federal Government:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The U. S. Congress is hereby requested to appropriate funds to begin the construction of locks and dams on the Big Sandy River, so as to provide a stage of water which will make possible

year-round transportation on that river. The Congress is requested to make such funds available immediately to the U. S. Corps of Engineers, so that construction of locks and dams can begin during the year 1953.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Lowman.

H. B. 12. An act relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies, and other state supported activities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART ONE

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1952 and ending June 30, 1953, and for the fiscal year beginning July 1, 1953, and ending June 30, 1954, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those listed in Parts Two, Three, and Four of this Budget Act, as follows:

I. GENERAL GOVERNMENT

1. LEGISLATIVE

A. *Legislative Sessions.*
1953-54 ..... $400,000.00

B. *Legislative Research Commission.*
1952-53 ..... $78,000.00
1953-54 ..... $88,000.00

C. *Legislative Journals and Acts.* For preparing, indexing, editing and printing the Journals and Acts of the General Assembly. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year,

1952-53 ..... $40,000.00

D. *The Council of State Governments.*

1952-53 ..... $7,500.00
1953-54 ..... $7,500.00

TOTAL—LEGISLATIVE

1952-53 ..... $125,500.00
1953-54 ..... $495,500.00

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2. LIEUTENANT-GOVERNOR

A. *Lieutenant-Governor.*

1952-53 ..... $8,000.00
1953-54 ..... $8,000.00

3. JUDICIARY

A. *Court of Appeals.* For normal recurring operating costs of Court of Appeals, including salaries of judges and commissioners.

1952-53 ..... $207,000.00
1953-54 ..... $207,000.00

B. *Clerk of Court of Appeals.*

1952-53 ..... $30,000.00
1953-54 ..... $29,000.00

C. *Judicial Council.*

1952-53 ..... $15,000.00
1953-54 ..... $15,000.00

D. *Board of Bar Examiners.*

1952-53 ..... $3,000.00
1953-54 ..... $3,000.00

E. *Circuit Judges.* For salaries and expenses of Circuit judges.

1952-53 ..... $412,500.00
1953-54 ..... $412,500.00

TOTAL—JUDICIARY

1952-53 ..... $667,500.00
1953-54 ..... $666,500.00

4. COUNTY COSTS

A. *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds* (Circuit Clerks), and *Commissions on Fines and Forfeitures.* For expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds (Circuit Clerks) and Commissions on Fines and Forfeitures,

1952-53 ..... $2,329,000.00
1953-54 ..... $2,329,000.00

B. *Commonwealth's Attorneys.* For salaries of Commonwealth's Attorneys,

1952-53 ..... $21,000.00
1953-54 ..... $21,000.00

C. *Return of Fugitives from Justice.*

1952-53 ..... $10,000.00
1953-54 ..... $10,000.00

D. *County Highway Patrol.*

1952-53 ..... $135,000.00
1953-54 ..... $135,000.00

E. *Premiums on Sheriffs' Bonds.*

1952-53 ..... $25,000.00
1953-54 ..... $25,000.00

TOTAL—COUNTY COSTS

1952-53 ..... $2,520,000.00
1953-54 ..... $2,520,000.00

5. EXECUTIVE DEPARTMENT

A. *Governor's Office.*

1952-53 ..... $51,250.00
1953-54 ..... $51,250.00

B. *Contingent Fund.*

1952-53 ..... $10,000.00
1953-54 ..... $10,000.00

C. *General Emergency Fund.* For meeting expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund,

1952-53 ..... $500,000.00
1953-54 ..... $500,000.00

TOTAL—EXECUTIVE DEPARTMENT

1952-53 ..... $561,250.00
1953-54 ..... $561,250.00

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6. SECRETARY OF STATE

A. *Secretary of State.*

1952-53 ..... $52,500.00
1953-54 ..... $48,000.00

7. DEPARTMENT OF LAW

A. *Attorney General.*

1952-53 ..... $ 95,000.00
1953-54 ..... $100,000.00

8. STATUTE REVISION COMMISSION

A. *Statute Revision Commission.*

1952-53 ..... $31,000.00
1953-54 ..... $27,500.00

B. *Codification Board.*

1952-53 ..... $7,200.00
1953-54 ..... $7,200.00

C. *Constitution Review Commission.*

1952-53 ..... $2,500.00
1953-54 ..... $2,500.00

TOTAL—STATUTE REVISION COMMISSION

1952-53 ..... $40,700.00
1953-54 ..... $37,200.00

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9. DEPARTMENT OF TREASURY

A. *State Treasurer.*

1952-53 ..... $54,000.00
1953-54 ..... $55,500.00

10. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts.* For expenses of auditing for the benefit of the State, including all State Agencies and County Officials receiving or disbursing public monies belonging to the State.

1952-53 ..... $50,000.00
1953-54 ..... $55,000.00

11. DEPARTMENT OF FINANCE

A. *Commissioner of Finance.* For expenses of the various divisions within the Department, including the administration of Confederate Pensions, and the administration of Public Printing.

1952-53 ..... $398,300.00
1953-54 ..... $417,500.00

B. *Public Properties.* For custodial care of public properties and expenses,

1952-53 ..... $260,000.00
1953-54 ..... $270,000.00

C. *Paper for Election Ballots and General Assembly.* For expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law. Any unexpended balance remaining at the end of the first year shall carry forward to the following year,

1952-53 ..... $27,500.00
1953-54 ..... $ 7,500.00

D. *Confederate Pensions.* For the payment of Confederate Pensions as provided by law,

1952-53 ..... $25,000.00
1953-54 ..... $25,000.00

TOTAL—DEPARTMENT OF FINANCE

1952-53 ..... $710,800.00
1953-54 ..... $720,000.00

12. DEPARTMENT OF REVENUE

A. *Commissioner of Revenue.* For expenses of the various divisions of the Department,

1952-53 ..... $1,028,500.00
1953-54 ..... $1,065,200.00

B. *Reappraisals.* For expenses of reappraisals as contemplated by KRS 132.670,

1952-53 ..... $150,000.00
1953-54 ..... $150,000.00

C. *County Tax Commissioners.*

1952-53 ..... $1,100,000.00
1953-54 ..... $1,125,000.00

D. *County Boards of Supervisors.*

1952-53 ..... $30,000.00
1953-54 ..... $30,000.00

TOTAL—DEPARTMENT OF REVENUE

1952-53 ..... $2,308,500.00
1953-54 ..... $2,370,200.00

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13. ELECTIONS

A. *Board of Election Commissioners.*

1952-53 ..... $1,700.00
1953-54 ..... $1,700.00

B. *Board of Registration and Purgation.*

1952-53 ..... $2,300.00
1953-54 ..... $2,300.00

C. *Elections.* For County Elections (State Share) and Presidential Electors,

1952-53 ..... $170,000.00
1953-54 ..... $170,000.00

TOTAL—ELECTIONS

1952-53 ..... $174,000.00
1953-54 ..... $174,000.00

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14. DEPARTMENT OF MILITARY AFFAIRS

A. *Adjutant General.* For expenses of operating the office of Adjutant General, Division of Armories and Kentucky National Guard.

1952-53 ..... $161,500.00
1953-54 ..... $161,500.00

B. *Armories—Rental.*

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

TOTAL—DEPARTMENT OF MILITARY AFFAIRS
1952-53 ..... $261,500.00
1953-54 ..... $261,500.00

15. KENTUCKY DISABLED EX-SERVICEMEN'S BOARD

A. *Kentucky Disabled Ex-Service Men's Board.*

1952-53 ..... $95,000.00
1953-54 ..... $95,000.00

16. DEPARTMENT OF AERONAUTICS

A. *Department of Aeronautics.*

1952-53 ..... $125,000.00
1953-54 ..... $127,000.00

17. DEPARTMENT OF STATE POLICE

A. *Department of State Police.*

1952-53 ..... $280,300.00
1953-54 ..... $317,600.00

18. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *Agricultural and Industrial Development Board.* For expenses of the board,

1952-53 ..... $177,000.00
1953-54 ..... $175,000.00

B. *Water Survey.*

1952-53 ..... $103,400.00
1953-54 ..... $103,300.00

C. *Mineral Survey.*

1952-53 ..... $50,000.00
1953-54 ..... $50,000.00

TOTAL—AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

1952-53 ..... $330,400.00
1953-54 ..... $328,300.00

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19. DEPARTMENT OF LIBRARY AND ARCHIVES

A. *Law Librarian.*

1952-53 ..... $15,000.00
1953-54 ..... $15,000.00

B. *State Librarian.*

1952-53 ..... $5,100.00
1953-54 ..... $5,100.00

C. *Law Library Books.* For expenses as provided for under KRS 171.110,

1952-53 ..... $7,500.00
1953-54 ..... $7,500.00

D. *Library Sales Account.* For expenses of publishing opinions of the Court of Appeals,

1952-53 ..... $5,000.00
1953-54 ..... $5,000.00

E. *Distribution and Repair of Books.*

1952-53 ..... $1,000.00
1953-54 ..... $1,000.00

F. *Division of Library Extension.*

1952-53 ..... $35,400.00
1953-54 ..... $35,400.00

G. *Kentucky State Historical Society.*

1952-53 ..... $31,000.00
1953-54 ..... $31,000.00

TOTAL—DEPARTMENT OF LIBRARY AND ARCHIVES

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

20. DEPARTMENT OF BUSINESS REGULATION

A. *Division of Athletic Control.*

1952-53 ..... $4,000.00
1953-54 ..... $4,000.00

21. DEPARTMENT OF INSURANCE

A. *Department of Insurance.* For expenses of the various divisions of the Department,

1952-53 ..... $75,000.00
1953-54 ..... $75,000.00

22. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Department of Industrial Relations.* For expenses of operating Office of Commissioner and Division of Wages and Hours for Women and Minors.

1952-53 ..... $100,000.00
1953-54 ..... $118,000.00

23. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals.*

1952-53 ..... $264,000.00
1953-54 ..... $264,000.00

24. RAILROAD COMMISSION

A. *Railroad Commission.* For expenses of the Commission, including the Assistant Attorney General for the Railroad Commission.

1952-53 ..... $31,000.00
1953-54 ..... $31,000.00

25. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Department of Alcoholic Beverage Control.*

1952-53 ..... $236,000.00
1953-54 ..... $246,000.00

26. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Money Refunded.* For refunding money paid into the the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney-General and approved by the Commissioner of Finance,

1952-53 ---------- $2,500.00
1953-54 ---------- $2,500.00

B. *Bonds of Elective Officers.* For payment of premiums on bonds of elected State Officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1952-53 ---------- $1,300.00
1953-54 ---------- $1,300.00

C. *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney-General,

1952-53 ---------- $35,000.00
1953-54 ---------- $35,000.00

D. *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same,

1952-53 ---------- $250.00
1953-54 ---------- $250.00

E. *Franklin Circuit Court.* For purchase of supplies and equipment in accordance with KRS 28.165,

1952-53 ---------- $300.00
1953-54 ---------- $300.00

F. *Statutes and Codes for Courts.* For purchasing copies of the statutes of Kentucky and Kentucky Codes of Practice for the purposes contemplated in KRS 57.340,

1952-53 ---------- $3,400.00
1953-54 ---------- $1,400.00

G. *Kentucky Directory.*

1952-53 ---------- $1,100.00

H. *Interstate Oil Compact.*

1952-53 ----------$1,000.00
1953-54 ----------$1,000.00

I. *Public Improvements.* For paying assessments for public works against property owned by the state as provided in KRS 94.297,

1952-53 ----------$7,000.00
1953-54 ----------$7,000.00

J. *Board of Claims Awards and Costs.* For the payment of awards or judgments made and costs taxed by the Board of Claims against departments, boards, commissions and other agencies maintained by appropriations out of the General Fund,

1952-53 ----------$20,000.00
1953-54 ----------$20,000.00

K. *Capital Planning and Zoning Commission.* For expenses of participation in the program of the Commission,

1952-53 ----------$2,500.00
1953-54 ----------$2,500.00

L. *Water Pollution Control Commission.* For payment of expenses of the Commission,

1952-53 ----------$21,700.00
1953-54 ----------$40,000.00

TOTAL—APPROPRIATIONS NOT OTHERWISE CLASSIFIED

1952-53 ----------$ 96,050.00
1953-54 ----------$111,250.00

TOTAL—I. GENERAL GOVERNMENT

1952-53 ----------$9,366,000.00
1953-54 ----------$9,889,800.00

II. WELFARE

27. DEPARTMENT OF WELFARE

A. *Office of Commissioner.* For expenses of administration

of the Office of the Commissioner, Division of Fiscal Control and Agricultural Production,

1952-53 ..... $152,800.00
1953-54 ..... $162,000.00

B. *Mental Health.* For expenses of the Division of Hospitals and Mental Hygiene, the Mental Hospitals (Eastern State Hospital, Central State Hospital, Western State Hospital and Kentucky State Hospital), and Conveyance of Patients,

1952-53 ..... $4,208,000.00
1953-54 ..... $4,508,000.00

C. *Corrections.* For expenses of the Division of Corrections, Division of Probation and Parole and Penal Institutions (Houses of Reform, State Reformatory, State Penitentiary and Women's Prison),

1952-53 ..... $2,141,200.00
1953-54 ..... $2,292,000.00

D. *Home for Incurables.*

1952-53 ..... $15,000.00
1953-54 ..... $15,000.00

E. *Pauper Idiots.*

1952-53 ..... $65,000.00
1953-54 ..... $65,000.00

F. *Kentucky Children's Home.*

1952-53 ..... $207,000.00
1953-54 ..... $227,000.00

G. *Kentucky Training Home.*

1952-53 ..... $511,000.00
1953-54 ..... $531,000.00

H. *Penal Institutions and Kentucky Training Home.* To be used for maintenance only,

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

I. *Mental Hospitals.* To be used for maintenance only,

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

TOTAL—DEPARTMENT OF WELFARE

1952-53 ..... $7,500,000.00
1953-54 ..... $8,000,000.00

28. DEPARTMENT OF ECONOMIC SECURITY

For ordinary expenses of operation and cooperation (Matching of funds) with the Federal Government under the Social Security Act of August 14, 1935, and any amendments now in effect or hereinafter enacted and under any act of congress supplementing said act as amended, including adjustments of prior year or current year accounts necessary to comply with the federal regulations. Also for the administration of Old Age Assistance, Aid to Dependent Children, and Aid to the Needy Blind, including cost to the State Treasurer for preparing, printing and issuing checks for recipients of Public Assistance Programs. Also, for administration, services and benefits of the Child Welfare Program.

A. *Public Assistance—Administration.* Notwithstanding the provisions of KRS 45.235 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230,

1952-53 ..... $900,000.00
1953-54 ..... $900,000.00

B. *Public Assistance—Benefits.* For Old Age Assistance Payments, Aid to the Needy Blind, and Aid to Dependent Children, and not to be used for costs of administration. Any unexpended balance at the end of the first fiscal year shall be carried over to the second and placed in a reserve fund which may be expended by the Commissioner of Economic Security for the purposes of this appropriation with the approval of the Governor,

1952-53 ..... $10,865,000.00
1953-54 ..... $10,865,000.00

C. *Child Welfare—Administration and Services.* Notwithstanding the provisions of KRS 45.236 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of

the biennium shall lapse in accordance with the provisions of KRS 45.230.

1952-53 ----------$275,000.00
1953-54 ----------$300,000.00

D. *Child Welfare—Benefits.* For boarding home care and other benefit expenses, and not to be used for costs of administration. Notwithstanding the provisions of KRS 45.236 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230.

1952-53 ----------$225,000.00
1953-54 ----------$250,000.00

E. *Division of Personnel Security.* For administering the Social Security Act,

1952-53 ----------$22,000.00
1953-54 ----------$22,500.00

TOTAL—DEPARTMENT OF ECONOMIC SECURITY

1952-53 ----------$12,287,000.00
1953-54 ----------$12,337,500.00

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29. DEPARTMENT OF HEALTH

A. *Department of Health.*

1952-53 ----------$640,000.00
1953-54 ----------$745,000.00

B. *County Health Units and Departments.*

1952-53 ----------$ 975,000.00
1953-54 ----------$1,150,000.00

C. *Narcotic Law Enforcement.*

1952-53 ----------$33,000.00
1953-54 ----------$33,000.00

D. *Colored Red Cross Hospital.*

1952-53 ----------$35,000.00
1953-54 ----------$35,000.00

E. *Kentucky Division of Women's Field Army of American Society for Control of Cancer.*

1952-53 ..... $50,000.00
1953-54 ..... $50,000.00

F. *Kentucky Crippled Children's Commission.*

1952-53 ..... $225,000.00
1953-54 ..... $225,000.00

G. *Medical Research Commission.*

1952-53 ..... $200,000.00
1953-54 ..... $225,000.00

H. *County Sanatoria.* For reimbursements to be made in accordance with KRS 215.320, but the total reimbursement for each Sanatorium shall not exceed the following appropriations:

1. Julius Marks Sanatorium
   1952-53 ..... $58,000.00
   1953-54 ..... $58,000.00

2. Covington-Kenton County Tuberculosis Sanatorium
   1952-53 ..... $43,800.00
   1953-54 ..... $43,800.00

3. Warren County Tuberculosis Sanatorium
   1952-53 ..... $21,900.00
   1953-54 ..... $21,900.00

4. Waverly Hills Tuberculosis Sanatorium
   1952-53 ..... $200,000.00
   1953-54 ..... $200,000.00

TOTAL—DEPARTMENT OF HEALTH
1952-53 ..... $2,481,700.00
1953-54 ..... $2,786,700.00

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30. TUBERCULOSIS SANATORIA COMMISSION

A. *Tuberculosis Sanatoria Commission.* For administrative and operating expenses of the Commission and institutions under its control and supervision,

1952-53 ..... $1,840,000.00
1953-54 ..... $1,882,000.00

TOTAL—II. WELFARE
1952-53 ..... $24,108,700.00
1953-54 ..... $25,006,200.00

III. EDUCATION

31. DEPARTMENT OF EDUCATION

A. *Superintendent of Public Instruction.* For expenses of the divisions within the Department, State Board of Education and State Textbook Commission.

1952-53 ..... $239,000.00
1953-54 ..... $239,000.00

B. *Public School Lunch Program.*

1952-53 ..... $42,500.00
1953-54 ..... $42,500.00

C. *Common School Per Capita Fund.* For the payment of monthly salaries of teachers and for no other purposes.

1952-53 ..... $26,212,500.00
1953-54 ..... $26,212,500.00

The State Board of Education shall not approve any working budget or salary schedule for a local board of education for the school year 1952-53 and 1953-54 in which the total amount budgeted for teachers' salaries in the school year 1951-52 is not increased by the minimum additional amount of per capita revenue apportioned to that district over that received in the school year 1951-52, except where there is a decrease in the combined local revenue and equalization funds of that district after the district has levied the maximum ad valorem tax rate permitted by law and, except where the total number of teaching positions in a district has been reduced as a result of mergers of districts or consolidations or discontinuance of schools which have been approved by the State Board of Education. Any such reduction permitted shall be only for the amount of the decrease in the combined local revenue and equalization and/or the total of the salaries of such teaching positions that have been eliminated from the school district. In no case shall any teacher's salary be less than the amount that teacher would have received had there been no consolidation or merger.

In the event any local board of education claims there is a decline in local revenue in that district, the State Board of Education shall certify such claim to the Department of Revenue whose duty it shall be to determine whether or not there is a decline in local revenue of such district and, if so, the amount of such decline in local revenue. The Department of Revenue shall then make its certification to the State Board of Education and said Board shall accept said certification as final.

The above amount includes $138,937.63 for each fiscal year which is interest on State School Bonds, as provided by the State Constitution for the support of common schools.

D. *Equalization Fund.* For equalization of educational services in the common schools to be expended as provided by law and regulations of the State Board of Education.

1952-53 ---------- $5,573,000.00
1953-54 ---------- $6,587,500.00

E. *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding $17,000 of this appropriation may be used each fiscal year for administration.

1952-53 ---------- $900,000.00
1953-54 ---------- $900,000.00

F. *Vocational Education—Administration.*

1952-53 ---------- $55,000.00
1953-54 ---------- $55,000.00

G. *Vocational Education—Instruction.* For reimbursement of teacher training and special instructors.

1952-53 ---------- $55,000.00
1953-54 ---------- $55,000.00

H. *Vocational Education—Local School Districts.*

1952-53 ---------- $300,000.00
1953-54 ---------- $300,000.00

I. *Vocational Rehabilitation.*

1952-53 ---------- $92,000.00
1953-54 ---------- $92,000.00

J. *West Kentucky Vocational Training School.*
1952-53 ..... $110,700.00
1953-54 ..... $120,000.00

K. *Mayo State Vocational School.*
1952-53 ..... $135,000.00
1953-54 ..... $145,000.00

L. *Northern Kentucky Vocational Training School.*
1952-53 ..... $58,000.00
1953-54 ..... $63,000.00

M. *Lincoln Institute.*
1952-53 ..... $125,000.00
1953-54 ..... $125,000.00

N. *Kentucky School for the Blind.*
1952-53 ..... $160,000.00
1953-54 ..... $165,000.00

O. *Kentucky School for the Blind—Workshop for Adult Blind.*
1952-53 ..... $22,300.00
1953-54 ..... $22,300.00

P. *Kentucky School for the Deaf.*
1952-53 ..... $290,000.00
1953-54 ..... $298,000.00

Q. *Special Education for Handicapped Children.*
1952-53 ..... $35,000.00
1953-54 ..... $35,000.00

R. *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, namely, KRS 161.220 to 161.710,
1952-53 ..... $1,916,000.00
1953-54 ..... $2,084,000.00

S. *In Service Teacher Training.*
1952-53 ..... $31,500.00
1953-54 ..... $32,500.00

T. *Council on Higher Education.* For participation in the veterinary training program of the Board of Control for Southern Regional Education,

1952-53 ---------- $24,000.00
1953-54 ---------- $36,000.00

TOTAL—DEPARTMENT OF EDUCATION
1952-53 ---------- $36,376,500.00
1953-54 ---------- $37,609,300.00

32. UNIVERSITY OF KENTUCKY

A. *Colleges and Experiment Stations.* For expenses of the Division of Colleges, College of Agriculture, Summer School Session, Repairs to Buildings, Library Equipment, Scientific Laboratory Equipment, Engineering Equipment, University Research—Including Coal, Geological Survey, College of Pharmacy, Experiment Station, Service Laboratories, Nursery Inspection, Princeton Sub-Station, Quicksand Sub-Station, Horticulture, Dairy Cattle Improvement, and participation under the Hope-Flannigan Act (Experiment Station), and Strawberry Marketing and Labeling Act.

1952-53 ---------- $3,494,000.00
1953-54 ---------- $3,744,000.00

Of the appropriation made hereby for each year of the biennium, $375,600 is allocated to the Experiment Station, Service Laboratories, Nursery Inspection, Princeton Sub-Station, Quicksand Sub-Station, Horticulture, Dairy Cattle Improvement, and participation under the Hope-Flannigan Act (Experiment Station), and Strawberry Marketing and Labeling Act.

B. *Agricultural Extension.* For expenses of Agricultural Extension, and participation under the Hope-Flannigan Act (Agricultural Extension),

1952-53 ---------- $606,000.00
1953-54 ---------- $606,000.00

C. *Interest on Land Grant Bonds.* For payment of interest semi annually on A. and M. bonds as provided by KRS 164.520,

1952-53 ---------- $8,700.00
1953-54 ---------- $8,700.00

D. *Southern Regional Training Program.* For expenses of participating in this program,

1952-53 ..... $2,500.00
1953-54 ..... $2,500.00

TOTAL—UNIVERSITY OF KENTUCKY

1952-53 ..... $4,111,200.00
1953-54 ..... $4,361,200.00

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33. EASTERN STATE COLLEGE

A. *Eastern State College.*

1952-53 ..... $526,000.00
1953-54 ..... $548,000.00

34. MOREHEAD STATE COLLEGE

A. *Morehead State College.*

1952-53 ..... $432,000.00
1953-54 ..... $450,000.00

35. MURRAY STATE COLLEGE

A. *Murray State College.*

1952-53 ..... $556,000.00
1953-54 ..... $579,000.00

36. WESTERN STATE COLLEGE

A. *Western State College.*

1952-53 ..... $585,000.00
1953-54 ..... $609,000.00

37. KENTUCKY STATE COLLEGE

A. *Kentucky State College.*

1952-53 ..... $408,000.00
1953-54 ..... $425,000.00

B. *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. and M. bonds as provided by KRS 164.520,

1952-53 ..... $1,300.00
1953-54 ..... $1,300.00

TOTAL—KENTUCKY STATE COLLEGE
1952-53 ..... $409,300.00
1953-54 ..... $426,300.00

TOTAL—III. EDUCATION
1952-53 ..... $42,996,000.00
1953-54 ..... $44,582,800.00

IV. AGRICULTURE AND CONSERVATION

38. DEPARTMENT OF AGRICULTURE

A. *Commissioner of Agriculture.* For expenses of the divisions within the Department and the State Board of Agriculture,
1952-53 ..... $80,000.00
1953-54 ..... $81,000.00

B. *Marketing Services.*
1952-53 ..... $51,500.00
1953-54 ..... $53,000.00

C. *Surplus Commodities Distribution.*
1952-53 ..... $32,000.00
1953-54 ..... $32,000.00

D. *T. B. Testing and Indemnities, Bang's Disease and Calfhood Vaccination.*
1952-53 ..... $105,000.00
1953-54 ..... $105,000.00

E. *4-H Club and Future Farmer Work.* For paying premiums for 4-H and Future Farmer Work and for the formation and encouragement of 4-H and Future Farmer activities in Kentucky,
1952-53 ..... $15,000.00
1953-54 ..... $16,000.00

F. *Purebred Livestock.* For the promotion, development and improvement of the purebred livestock industry in Kentucky,
1952-53 ..... $25,000.00
1953-54 ..... $26,000.00

C. *Apiary Project.*
1952-53 ..... $1,500.00
1953-54 ..... $2,000.00

TOTAL—DEPARTMENT OF AGRICULTURE
1952-53 ..... $310,000.00
1953-54 ..... $315,000.00

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39. STATE FAIR BOARD

A. *Premiums for State Fair.* For payment of premiums in accordance with KRS 247.170,
1952-53 ..... $75,000.00
1953-54 ..... $75,000.00

B. *County and Community Fair Premiums.* For supplementing premiums to county and community fair award winners exhibiting at the State Fair. This amount is to be distributed in accordance with such regulations as the State Fair Board may make.
1952-53 ..... $25,000.00
1953-54 ..... $25,000.00

TOTAL—STATE FAIR BOARD
1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

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40. DEPARTMENT OF CONSERVATION

A. *Office of Commissioner.*
1952-53 ..... $48,250.00
1953-54 ..... $49,500.00

B. *Division of State Parks.*
1952-53 ..... $275,000.00
1953-54 ..... $275,000.00

C. *Division of Forestry.*
1952-53 ..... $299,250.00
1953-54 ..... $292,450.00

D. *Division of Publicity.*
1952-53 ---------- $154,000.00
1953-54 ---------- $144,250.00

E. *Division of Soil and Water Resources.*
1952-53 ---------- $87,500.00
1953-54 ---------- $88,500.00

F. *Division of Flood Control and Water Usage.*
1952-53 ---------- $30,300.00
1953-54 ---------- $31,500.00

G. *Ohio River Valley Sanitation Commission.*
1952-53 ---------- $21,500.00
1953-54 ---------- $21,500.00

TOTAL—DEPARTMENT OF CONSERVATION
1952-53 ---------- $915,800.00
1953-54 ---------- $902,700.00

41. KENTUCKY NATIONAL PARK COMMISSION

A. *Kentucky National Park Commission.* For maintenance of property acquired by the Commission until transferred to Federal Government for National Park purposes,
1952-53 ---------- $3,500.00
1953-54 ---------- $3,500.00

TOTAL—AGRICULTURE AND CONSERVATION
1952-53 ---------- $1,329,300.00
1953-54 ---------- $1,321,200.00

V. OTHER

42. STATE PROPERTY AND BUILDINGS COMMISSION

A. *State Property and Buildings Commission.* For rental of office space in Capitol Office Building for agencies supported by the General Fund.
1952-53 ---------- $200,000.00
1953-54 ---------- $200,000.00

GRAND TOTAL

1952-53 ----------$78,000,000.00

1953-54 ----------$81,000,000.00

PART TWO

NON-RECURRING COSTS—FROM SURPLUS

There is hereby appropriated out of the surplus cash balance in the State Treasury, to the credit of the General Expenditure Fund as of June 30, 1952 for each of the fiscal years 1952-53 and 1953-54, the following sums for the following departments, boards, commissions and subdivisions of the State Government listed hereinafter, for the following purposes:

I. GENERAL GOVERNMENT

1. STATUTE REVISION COMMISSION

A. *Statute Revision Commission—Printing Revolving Fund.* To be used for printing the Kentucky Revised Statutes, Notes and Annotations to the Kentucky Revised Statutes and supplements to these publications. Reimbursement shall be made to this account from sales of these publications. Any unexpended or unencumbered balance remaining at the end of fiscal year 1952-53 shall not lapse, but shall be available for expenditure during any following fiscal year.

1952-53 ----------$29,000.00

2. DEPARTMENT OF FINANCE

A. *Division of Purchases—Purchase of Paper Revolving Fund.* To be used for the purchase of paper to be held in stock until used by the various budget units. Reimbursement shall be made to this account by the budget units for paper used. Any unexpended and any unencumbered balance of this appropriation and any balance to the credit of this fund on June 30, 1952, shall not lapse at any time but shall be continuously available for expenditure for the purposes of this fund,

1952-53 ----------$15,000.00

B. *Division of Purchases—Central Stores Revolving Fund.* To be used for the purchase of supplies and services as contemplated by KRS 42.060 (3). Reimbursement shall be made to this account by the budget units for supplies and services used. Any unexpended and any unencumbered balance of this appropriation and any balance to the credit of this fund on June 30, 1952, shall not lapse at any time but shall be continuously available for expenditure for the purposes of this fund,

1952-53 ----------$10,000.00

C. *Division of Purchases—Postage Revolving Fund.* To be used for the purchase of postage to be held until used by the various budget units. Reimbursement shall be made to the account by the budget units for postage used. Any unexpended and any unencumbered balance of this appropriation and any balance to the credit of this fund on June 30, 1952, shall not lapse at any time but shall be continuously available for expenditure for the purposes of this fund,

1952-53 ----------$7,500.00

D. *Division of Engineering—Buildings Services Revolving Fund.* To be used to purchase and provide building services for the various budget units. Reimbursement shall be made to this account by the budget units for commodities furnished and services rendered. This account supersedes the Utilities Revolving Fund and all assets and obligations of that fund on June 30, 1952, are hereby transferred to and deemed to be appropriated to and assumed by the Buildings Services Revolving Fund. Any unexpended balance remaining at the end of the fiscal year 1952-53 shall not lapse, but shall be available for expenditure during any following fiscal year,

1952-53 ----------$15,000.00

TOTAL—DEPARTMENT OF FINANCE
1952-53 ----------$47,500.00

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3. DEPARTMENT OF AERONAUTICS

A. *Airport Development.* For airport development as pro-

vided for in KRS 183.760 through 183.772. No part of this appropriation shall be used for administrative expenses. Any unexpended balance of this appropriation and any balance to the credit of the Airport Development Fund on June 30, 1952, shall not lapse at any time but shall be continuously available to the Department for the purpose of carrying out the terms of the above statutory provisions.

1952-53 ----------$500,000.00
1953-54 ----------$500,000.00

4. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *Topographic Mapping Survey.* For matching available Federal Funds for compilation of modern large scale topographic maps of Kentucky. Any unexpended balance at the end of the fiscal year shall be carried over to the second,

1952-53 ----------$830,000.00

5. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Prior Year Claims.* For payment of claims authorized to be paid by KRS 45.231. Since the amount required to pay these claims cannot be anticipated with any degree of certainty, a specific appropriation is not made for this purpose and it is the intention of the General Assembly to appropriate the amount necessary to pay such claims.

6. STATE PROPERTY AND BUILDINGS COMMISSION

A. *For Capital Outlay.* For expenditure in accordance with the provisions of KRS 56.440 through 56.550. It is further provided that any necessary amount of this appropriation may be spent for administrative and operating expenses. Any unencumbered and any unexpended balance of this appropriation remaining at the end of the fiscal year for which the same is appropriated shall not lapse but may be expended for capital outlay purposes only thereafter and shall be carried forward until expended or until appropriated to the same or some other purpose or purposes by subsequent legislative action.

1952-53 ----------$10,600,000.00, together

with any unencumbered and/or unexpended balance of prior capital outlay appropriations remaining on June 30, 1952.

TOTAL—GENERAL GOVERNMENT
1952-53 ..... $12,006,500.00
1953-54 ..... $ 500,000.00

II. EDUCATION

1. DEPARTMENT OF EDUCATION

A. *Survey of School Facilities.* For matching Federal funds equally to conduct surveys of school facilities. Any unexpended balance at the end of the fiscal year shall be carried over to the second.

1952-53 ..... $ 40,000.00

B. *Teachers' Retirement System.*

1952-53 ..... $348,220.00

TOTAL—EDUCATION
1952-53 ..... $388,220.00

GRAND TOTAL
1952-53 ..... $12,394,720.00
1953-54 ..... $ 500,000.00

PART THREE

STATE ROAD FUND

There is hereby established for the purpose of paying all costs of operation and maintenance of the Department of Highways and for carrying on its activities and functions, a State Road Fund which shall consist of all of the revenue realized from fees, taxes and license fees levied for State Road Purposes now authorized by law, or that may hereafter be authorized by law, and any additional or other revenues, grants or funds, including any

amount which may be received from Federal aid or any other source pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Highways. Such receipts and revenues, together with any balance in the existing State Road Fund as of June 30, 1952, shall constitute the State Road Fund for the fiscal years 1952-53 and 1953-54. There is hereby appropriated from the State Road Fund the following amounts for the following departments, agencies, and subdivisions of the State Government, for the following purposes:

I. HIGHWAY DEPARTMENT GENERALLY

1. DEPARTMENT OF HIGHWAYS

A. *Department of Highways.* For use by the Department in activities, functions and duties performed by it as prescribed by law, all monies received and placed to the credit of the State Road Fund, not otherwise appropriated in this or any other Act.

2. RURAL HIGHWAYS

A. *Division of Rural Highways.* For improvement, construction, reconstruction and maintenance of county roads and bridges, which have not been accepted by the Department of Highways for maintenance, the sum of Five Million (5,000,000) Dollars for each of the fiscal years 1952-53 and 1953-54. This appropriation is to be expended in accordance with the provisions of KRS 179.410 to 179.430. Not more than six percent (6%) of this appropriation shall be used for administration.

B. *Secondary and Rural Roads.* For the construction, reconstruction and maintenance of secondary and rural roads, two-sevenths of all revenue received under the provisions of KRS 138.320. This appropriation is in addition to the amount appropriated under Section I, sub-section 2, paragraph A of Part Three of this Appropriation Act.

II. APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

3. DEPARTMENT OF TREASURY

A. *Department of Treasury.* For expenses pertaining to

to treasury administration for the Department of Highways. This appropriation is in addition to the amount appropriated to the Department from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ..... $26,000.00
1953-54 ..... $27,500.00

4. DEPARTMENT OF FINANCE

A. *Department of Finance.* For expenses pertaining to financial and personnel administration for the Department of Highways. This appropriation is in addition to the amount appropriated to the Department from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ..... $157,780.00
1953-54 ..... $166,950.00

5. DEPARTMENT OF REVENUE

A. *Department of Revenue.* For administering and enforcing the laws pertaining to the gasoline, motor fuels and any other taxes comprising the State Road Fund, and administering and enforcing the laws relating to motor vehicle registration, motorist's financial responsibility and other laws relating to motor vehicles and highways. This appropriation is in addition to the amount appropriated to the Department from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ..... $856,800.00
1953-54 ..... $887,500.00

6. DEPARTMENT OF STATE POLICE

A. *Department of State Police.* For expenses of operation of the Department as provided by law. This appropriation is in addition to the amount appropriated to the Department from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ..... $1,588,200.00
1953-54 ..... $1,799,600.00

7. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

For expenses pertaining to the following projects. This ap-

propriation is in addition to the amount appropriated to the Board in Parts One and Two of this Appropriation Act.

A. *Topographic Mapping Survey*

1952-53 ..... $415,000.00
1953-54 ..... $415,000.00

B. *Water Survey*

1952-53 ..... $51,666.00
1953-54 ..... $51,666.00

8. DEPARTMENT OF MOTOR TRANSPORTATION

A. *Department of Motor Transportation*

1952-53 ..... $322,000.00
1953-54 ..... $343,000.00

9. DEPARTMENT OF CONSERVATION

A. *Department of Conservation, Division of Publicity.* For expenses incident to the preparation, publication and distribution of road maps, booklets, photographs, advertisements and other activities intended to advertise and publicize Kentucky highways and highway conditions, tourist, scenic and travel attractions and places of interest to motorists. The authority for such expenditures granted to the Department of Highways by KRS 176.055 is hereby transferred to the Department of Conservation, Division of Publicity. This appropriation is in addition to the amount appropriated to the Department of Conservation, Division of Publicity, from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ..... $225,000.00
1953-54 ..... $225,000.00

10. TRAFFIC SAFETY PROGRAM

A. *Traffic Safety Program.* For expenses relating to this program.

1952-53 ..... $16,000.00

TOTAL—APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

1952-53 ..... $3,658,446.00
1953-54 ..... $3,916,216.00

III. ADMINISTRATION AND EFFECT

11. All funds appropriated to the Department of Highways by Section I of Part Three of this Act (Highway Department Generally) shall be allocated equitably by the Commissioner of Highways, with the approval of the Commissioner of Finance, between the various activities and functions of the Department of Highways.

12. The appropriations made by this Act are subject to the provisions of Chapters 12, 42 and 45 of the Kentucky Revised Statutes. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year of the State Road Fund ending June 30, 1952.

PART FOUR

REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various boards, commissions, institutions, agencies and/or subdivisions of the State Government only as are listed herein for the fiscal year ending June 30, 1953, and for the fiscal year ending June 30, 1954, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, federal grants and other federal receipts and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below named agencies of the State Government, the receipts which are received by each of the respective agencies of the State Government listed herein which receipts are placed to the credit of a Revolving or Trust and Agency Fund out of which shall be established separate Revolving or Trust and Agency Fund Accounts for the use and benefit of these agencies of the State Government. The total amount any agency may requisition for expenditure from the Revolving or Trust and Agency Fund Account, through the Department of Finance, shall not during the fiscal year ending June 30, 1953, nor during the fiscal year ending June 30, 1954, exceed the amount placed to the credit of the Revolving or Trust and Agency Fund for such year, out of which has been established a

Revolving or Trust and Agency Fund Account for each separate agency during such fiscal year, plus any balance which said agency may have had forwarded from the preceding year on or before September 30 of the then current fiscal year, by the Department of Finance.

I. GENERAL GOVERNMENT

1. JUDICIARY

A. *Board of Bar Examiners.*

2. SECRETARY OF STATE

A. *Expenses of Federal Elections.* All money received from the Federal Government to reimburse the State for expenses incurred in elections for Federal officers.

3. AUDITOR OF PUBLIC ACCOUNTS

A. *County Audits.* For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in KRS 43.070 and all other fees that may be received in connection with such examination.

4. COUNTY COSTS

A. *Truck Licenses—County Portion.* There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

B. *Legal Process Taxes.* As contemplated by KRS 47.110.

5. DEPARTMENT OF REVENUE

A. *Back Tax Section (Delinquent Taxes).* There shall be credited to this Revolving Fund such fees and revenue as are provided for by KRS 134.400.

6. DEPARTMENT OF MILITARY AFFAIRS

A. *Industrial Peace Officers.* All fees paid under KRS 61.360.

B. *Adjutant General Welfare Fund.*

7. DEPARTMENT OF AERONAUTICS

A. *Department of Aeronautics.*

8. DEPARTMENT OF STATE POLICE

A. *Department of State Police.*

9. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *Agricultural and Industrial Development Board.*

10. DEPARTMENT OF LIBRARY AND ARCHIVES

A. *Kentucky State Historical Society.*

B. *Library Extension Division.*

C. *State Board of Certification of Librarians.*

11. DEPARTMENT OF INSURANCE

A. *Fire Prevention.* All fees, receipts, collections and assessments paid into the State Treasury during the calendar years 1952 and 1953, under KRS 136.360, and also an amount equal to twenty five (25%) percent of all fees and other receipts paid into the State Treasury during such years, pursuant to the provisions of sub-sections 1 through 10 except 9 of KRS 304.460, are hereby appropriated to the Fire Prevention and Rates Section for the fiscal years ending June 30, 1953 and June 30, 1954, respectively.

B. *Custodian of Securities.* All sums paid for expenses under the provisions of KRS 304.503.

C. *Insurance Examiners Expense.* All fees paid pursuant to the provisions of KRS 304.035.

D. *Liquefied Petroleum.* All fees paid pursuant to the provisions of KRS 234.030.

E. *Examination of Insurance Agents.* All fees paid pursuant to KRS 304.460 (9).

12. DEPARTMENT OF BUSINESS REGULATION

A. *State Board of Accountancy.*

B. *State Board of Examiners and Registration of Architects.*

C. *State Board of Barbers and Beauticians Examiners.*

D. *State Board of Chiropractic Examiners.*

E. *State Board of Dental Examiners.*

F. *State Board of Embalmers.*

G. *State Board of Pharmacy—Prophylactic Enforcement.*

H. *State Board of Pharmacy.*

I. *State Board of Nurses Education and Nurses Registration.*

J. *State Board of Veterinary Examiners.*

K. *State Board of Professional Engineers.*

L. *State Real Estate Commission.*

M. *State Board of Psychologists.*

N. *State Board of Optometric Examiners.*

13. PUBLIC SERVICE COMMISSION

A. *Public Service Commission.* The fees collected subject to the provisions of KRS 278.130 to 278.150.

14. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Workmen's Compensation Board.* Subject to the provisions of KRS 342.485 and 342.122.

15. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals.*

16. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Alcoholic Beverage Confiscation Expense.* As contemplated by KRS 244.190 (3).

17. DEPARTMENT OF BANKING

A. *Department of Banking.*

B. *Division of Securities.*

18. STATE PROPERTY AND BUILDINGS COMMISSION

A. *State Property and Buildings Commission.*

19. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Jefferson County Master Commissioner.*

B. *Jefferson County Fees.* For paying various officials of Jefferson County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

C. *Kenton County Fees.* For paying various officials of Kenton County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

D. *Fayette County Fees.* For paying various officials of Fayette County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

E. *Campbell County Fees.* For paying various officials of Campbell County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court

of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

F. *Pike County Fees.* For paying various officials of Pike County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

G. Any other counties that may come within the purview of KRS 64.350 and Section 106, Kentucky Constitution, during the fiscal years ending June 30, 1953 and June 30, 1954.

II WELFARE

20. DEPARTMENT OF WELFARE

A. *Department of Welfare.*

21. DEPARTMENT OF ECONOMIC SECURITY

A. *Department of Economic Security.*

B. *Bureau of Employment Security.*

C. *Division of Personnel Security—Administration.* County and Municipality contributions.

22. DEPARTMENT OF HEALTH

A. *Department of Health.*

B. *County Health Units and Departments.*

C. *Heart Disease.*

D. *Kentucky Division of Women's Field Army of American Society for Control of Cancer.*

E. *Kentucky Crippled Children's Commission.*

23. STATE TUBERCULOSIS SANATORIA COMMISSION

A. *State Tuberculosis Sanatoria Commission.*

III EDUCATION

24. DEPARTMENT OF EDUCATION

A. *Department of Education.*

25. UNIVERSITY OF KENTUCKY

A. *University of Kentucky.*

26. EASTERN STATE COLLEGE

A. *Eastern State College.*

27. MOREHEAD STATE COLLEGE

A. *Morehead State College.*

28. MURRAY STATE COLLEGE

A. *Murray State College.*

29. WESTERN STATE COLLEGE

A. *Western State College.*

30. KENTUCKY STATE COLLEGE

A. *Kentucky State College.*

IV AGRICULTURE AND CONSERVATION

31. DEPARTMENT OF AGRICULTURE

A. *Department of Agriculture.*

32. STATE FAIR BOARD

A. *State Fair Board.*

33. DEPARTMENT OF CONSERVATION

A. *Division of State Parks.*
B. *Division of Forestry.*
C. *Division of Publicity.*
D. *Division of Soil and Water Resources.*
E. *Kentucky National Park Commission.*
F. *National Forest Fund.*
G. *Federal Flood Control Payments.*

34. GAME AND FISH

A. *Department of Game and Fish.*

PART FIVE
GENERAL PROVISION

1. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1952 and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance. All questions that arise in interpreting any appropriation in this Act as to the purposes for which the same may be expended shall be decided by the Commissioner of Finance in accordance with the detailed estimates embodied in the budget report as considered by the General Assembly, and the decision of the Commissioner of Finance shall be final and conclusive.

2. Whereas, the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are hereby made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Legislature that the State expenditures for each fiscal year covered in this Act shall not exceed the total revenues anticipated to accrue to the General Expenditure Fund for the same fiscal year. As the conditions can not be finally determined until after the adjournment of this session of the Legislature, and as the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues accruing to the General Fund can not be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State Government, and to ascertain the total revenue anticipated to accrue to the General Expenditure Fund of the Commonwealth, and upon the ascer-

tainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general law, is hereby authorized, empowered and directed by the Legislature to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution or subdivision of the State Government that will actually impair the necessary constitutional functions of any agency whose operations and functions are determined to be necessary constitutional functions of government.

3. Since the total amount of revenue accruing to the General Expenditure Fund can only be anticipated and not finally determined at this time and since it cannot be finally ascertained at this time whether total revenues accruing to the General Expenditure Fund will equal appropriations therefrom, it is the intention and purpose of this General Assembly that any available Surplus in the General Expenditure Fund may be used to fulfill appropriations made in Part One of this Appropriation Act, but only in the event such appropriations exceed the total of revenues accruing to the General Expenditure Fund.

4. In the event receipts to the General Expenditure Fund from current revenues for the fiscal year 1952-53 exceed the sum of Seventy Eight Million Dollars ($78,000,000) such excess, but not to exceed Three Million Dollars ($3,000,000) is hereby appropriated to the Governor's Special Emergency Fund to be used by him for the fiscal year of 1953-54 for supplementing existing appropriations for ordinary recurring and extraordinary governmental expenses deemed emergencies by the Governor and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of all or any part of said fund.

5. In enacting this Budget Appropriation Law, it is the deliberate intention of the General Assembly to enact each section, and each sub-section thereof, as a separate and/or specific

appropriation and law, and if any section or any sub-section thereof shall be held invalid, or unconstitutional the decision of the courts shall not affect or impair any of the remaining sections, sub-sections, or provisions contained herein.

6. All continuing appropriations in existence at the time this Act takes effect are hereby discontinued and repealed by this Act, except as provided by Chapters 12, 42, and 45 of the Kentucky Revised Statutes. All laws and parts of laws in conflict with any of the provisions of the above enactments, to the extent of such conflict, are hereby repealed.

By Mr. Hale and Stumbo

H. B. 13. AN ACT relating to deputy constables.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In counties containing a city of the first or second class, a constable may appoint one or more deputies, by and with the consent of the county judge. The constable and his surety shall be liable on his bond for all the acts and omissions of the deputies. Deputy constable must be residents of the same district as the constable by whom they are appointed.

Section 2. Each deputy constable shall be exclusively compensated for the performance of the duties of his office by a salary of twenty-one hundred dollars per annum, paid in equal monthly installments out of the county treasury.

Section 3. Deputy constables may be removed at any time ,for any cause deemed sufficient by the constable, by order of the county court entered after the filing of a written direction by the constable.

Section 4. The appointment of deputy constables in counties other than those containing a city of the first or second class, is hereby prohibited.

By Mr. Hilton.

H. B. 14. AN ACT relating to elections, both regular and

primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 118.040 of the Kentucky Revised Statutes is amended to read as follows:

The polls shall be opened at 7 a. m. and kept open continuously until 5 p. m. of the same day. Before receiving any ballots, the officers of election shall cause to be proclaimed that the election is opened.

Section 2. Section 119.040 of the Kentucky Revised Statutes is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in August of each year between the hour sof 7 a. m. and 5 p. m., at the regular polling places in each election precinct.

Section 3. Subsection (1) of Section 118.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the hour of 5 p. m. arrives the election officers shall announce the fact at the door of the voting room and close the polls. They shall take charge of the ballot box, and in the presence of each other shall place the lock on the small vent in the lid and securely lock it. The election officers shall then place upon all unused stubs and ballots, with rubber stamp or by writing, the word, "Unused," and place them, with the stub book and other utensils or election material, into the linen envelope provided by the county clerk for the purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon the wax, so as to make the letters plainly visible in three different places on the envelope. The sheriff of election and the judge of opposite faith shall forthwith convey the ballot box, the key to the vent lock, and

the envelope to the county clerk, taking his receipt therefor. The sheriff and judge shall see that no person other than themselves has access to, or custody of, the ballot box, and they shall each remain in the presence of the other until the box, key and envelope are delivered to the county clerk.

Section 4. Subsection (3) of Section 118.370 of the Kentucky Revised Statutes is amended to read as follows:

(3) The county board of election commissioners shall meet for the purpose of counting the ballots, issuing certificates and making a report, at 6 p. m. on the day of the election, in the office of the county clerk or in some other room designated by the board. The board shall proceed as speedily as practicable to count the ballots of every precinct in the county. At the finish of each precinct the board shall announce the results at the door of the room where the count is being conducted, and shall fill out the blank in the back of the stub book provided for that purpose, and each commissioner shall sign the blank in the proper place. The board shall remain in session for the purpose of ascertaining the results of the election until midnight on the election day, and if the count is not then completed it may then adjourn until the following day at 8 a. m., unless the following day is a Sunday, in which case it shall adjourn until 8 a. m., on the day following the Sunday. If the day following the election is a legal holiday, the board may adjourn until 8 a. m. on the day following the legal holiday. On the adjourned day the board shall remain in session, if necessary to complete the count, until 6 p. m., or longer in its discretion. If the count is not then completed, the board shall reconvene during the same hours on each succeeding day, except Sundays and on such legal holidays as the board decides not to meet, until the count is completed.

By Mr. Hilton.

H. B. 15. AN ACT changing the classification of the city of Worthington, in Greenup County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Worthington, in Greenup County, is transferred from the sixth to the fifth class of cities.

By Mr. Dressman.

H. B. 16. AN ACT relating to evidence of ownership of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Proof of ownership of a motor vehicle at the time of an accident shall be considered prima facie evidence that the vehicle was being operated with the authority, consent and knowledge of the owner.

(2) Proof of registration of a motor vehicle in the name of any person shall, for the purpose of a damage action, be prima facie evidence of ownership.

By Mr. Morgan.

H. B. 17. AN ACT relating to fireworks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 438.100 to 438.140 of the Kentucky Revised Statutes are repealed.

By Mr. Morgan.

H. B. 18. AN ACT relating to motor carrier certificates for industrial busses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 281.630 of the Kentucky Revised Statutes is repealed.

By Mr. Jones, Wm. L.

H. B. 19. AN ACT relating to the financial responsibility of owners and operators of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Revenue.

(2) "Motor Vehicle" means any vehicle required to be registered under the provision of KRS 186.020.

(3) "Express or implied consent" or "express or implied permission," as used with reference to the owner of a motor vehicle, means initial consent by the owner, or if he is a natural person, by an adult member of his immediate family, to the taking of possession of the motor vehicle for the purpose of use or operation, regardless of any limitations or restrictions attached to such consent or permission with respect to the manner, method, purposes, place or period of the use or operation.

Section 2. No motor vehicle, except one owned by the state or a political subdivision thereof, or by the Federal Government, shall be registered under the provisions of KRS Chapter 186 unless the application for registration is accompanied by a certificate of proof of the owner's ability to respond in damages as provided in this Act, nor shall any receipt showing transfer of registration on change of ownership of such a motor vehicle be issued under the provisions of KRS 186.190 unless the purchaser, at the time of applying for the transfer of registration, presents such a certificate of proof of his ability to respond in damages.

Section 3. Proof of ability to respond in damages as contemplated in Section 2 of this Act shall be proof of the owner's ability to respond in damages for liability thereafter incurred, arising out of the ownership, maintenance or use, by the owner or by any other person with his express or implied consent, of the motor vehicle sought to be registered, in the amount of five thousand dollars because of bodily injury to or death of any one person, and, subject to said limit respecting one person, in the

amount of ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of one thousand dollars because of injury to or destruction of property in any one accident. Such proof in such amounts shall be furnished for each motor vehicle registered by any person.

Section 4. The certificate of proof of ability to respond in damages, required by Section 2 of this Act, may consist of any one of the following:

(1) A certificate of an insurance company authorized to do business in this state, that it has issued to or for the benefit of the person named in the certificate a motor vehicle liability policy meeting the requirements of Sections 5 and 6 of this Act which, at the date of the certificate, is in full force and effect and which, unless cancelled as provided in Section 10 of this Act, will continue in full force and effect during the ensuing registration year. The certificate shall designate, by explicit description or by other adequate reference, all motor vehicles to which the policy applies, and shall specify the name, address and business of the insured, the kind of insurance afforded by the policy, the premium charged for it, the policy period and the limits of liability. The certificate shall cover the motor vehicle sought to be registered, and may cover more than one or all of the motor vehicles owned by the insured. The certificate shall certify that the policy described in the certificate will not be cancelled except as provided in Section 10 of this Act, and that the policy complies with the requirements of this Act. The issuance of such a certificate shall be conclusive evidence that the policy described in the certificate conforms to all the requirements of this Act.

(2) A certificate of the Department of Revenue that the person applying for registration of the motor vehicle has filed with the Department a bond meeting the requirements of Section 7 of this Act and covering the vehicle sought to be registered.

(3) A certificate of the Department of Revenue that the person applying for registration of the motor vehicle has deposited with the department money or securities meeting the requirements of Section 8 of this Act.

(4) In the case of a motor vehicle to be operated by a common carrier or contract carrier of passengers or property, or as a city bus or taxicab, a certificate of the Division of Motor Transportation that the person applying for registration has filed with the division a bond, insurance policy or deposit meeting the requirements of KRS 281.655, and covering the vehicle sought to be registered.

(5) A certificate of the Department of Revenue that the person applying for registration of a motor vehicle has complied with the provisions of Section 17 of this Act with respect to self-insurance.

Section 5. (1) A motor vehicle liability policy, in order to constitute proof of ability to respond in damages under the provisions of this Act, shall meet the following requirements:

(a) It shall specify the name, address and business, if any, of the insured, the coverage afforded by the policy, the premium charged, the policy period and the limits of liability. It shall designate by explicit description or appropriate reference all motor vehicles in respect to which coverage is granted.

(b) It shall insure the person named in it and any other person using or responsible for the use of the motor vehicle with the express or implied permission of the insured.

(c) It shall insure every such person on account of the maintenance, use or operation of the motor vehicle within the continental limits of the United States or Canada against loss from the liability imposed by law arising from maintenance, use or operation, to the extent required by Section 3 of this Act, exclusive of interest and costs, with respect to each motor vehicle.

(d) It shall contain an agreement that the insurance is provided in accordance with the coverage defined in this Act respecting bodily injury, death or property damage, or both, and that it is subject to all the provisions of this Act.

(2) The policy may grant any lawful coverage in excess of or in addition to the coverage specified in this section, and contain any lawful agreements, provisions or stipulations consistent with this Act.

(3) No policy intended to be used as proof of ability to respond in damages shall be issued by any insurance company unless the form of the policy has been approved by the Division of Insurance, and no insurance company shall issue any certificate of the kind contemplated by subsection (1) of Section 4 of this Act unless the form of the policy described in the certificate has been approved by the Division of Insurance.

Section 6. (1) Every motor vehicle liability policy with respect to which the insurer has issued a certificate under the provisions of subsection (1) of Section 4 of this Act shall be subject to the following provisions, whether or not they are contained in the policy:

(a) The liability of the insurer shall become absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage shall not be a condition precedent to the right or obligation of the insurer to make payment on account of the loss or damage.

(b) The insurer may settle any claim covered by the policy, and if a settlement is made in good faith, the amount of it shall be deductible from the limits of ability specified in the policy.

(c) No policy shall be cancelled or annulled as respects any loss or damage by any agreement between the insurer and the insured after the insured has become responsible for the loss or damage, and any such cancellation or annulment shall be void.

(d) The policy, the written application, if any, and any rider or indorsement which does not conflict with this Act shall constitute the entire agreement between the parties.

(2) The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurer for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy. If the policy provides for limits in excess of the limits specified in Section 2 of this Act, the insurer may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further

provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance.

Section 7. (1) Any person desiring to furnish proof of ability to respond in damages by means of a bond shall file with the Department of Revenue a bond of a surety company authorized to transact business in this state, or a bond with at least two individual sureties, each of whom owns real estate within this state, and which real estate shall be scheduled in the bond. In the case of a bond with such individual sureties, the bond must be approved by the county judge or circuit judge of the county in which the real estate is located.

(2) Any bond filed pursuant to subsection (1) of this section shall be conditioned for payment within the limits specified in Section 3 of this Act, by the principal in the bond or by any person using or responsible for the use of the motor vehicle with the express or implied consent of the principal of any final judgment against such principal or other person on account of bodily injury, death or property damage resulting from the maintenance, use or operation of the motor vehicle described in the bond.

(3) A bond with individual sureties filed pursuant to subsection (1) of this section shall constitute a lien in favor of the state upon the scheduled real estate of the sureties, and the lien shall exist in favor of any holder of a final judgment for damages against the principal in the bond or against any person using or responsible for the use of the motor vehicle described in this bond with the express or implied consent of the principal, on account of bodily injury or death, or property damage, resulting from the maintenance, use or operation of the motor vehicle described in the bond. The lien shall run from the time of filing of notice to that effect by the department in the office of the county court clerk of the county in which the real estate is located. The county court clerk shall record such notice of lien in a book to be kept for that purpose, styled "Motor Vehicle Responsibility Liens." The clerk shall receive a fee of one dollar for recording each such notice of lien, to be paid by the person filing the bond.

Section 8. Any person desiring to furnish proof of ability

to respond in damages by means of a deposit of money or securities shall deposit with the Department of Revenue the sum of ten thousand dollars in cash, or securities approved by the Commissioner of Revenue having a value of not less than ten thousand dollars, and at the same time shall execute a statement, upon a form prescribed by the department, to the effect that the deposit is made in accordance with and subject to the provisions of this Act, and that the money or securities so deposited may be applied, within the limits specified in Section 3 of this Act, in payment of any final judgment for damages that may be rendered against such person, or against any other person using or responsible for the use of the motor vehicle described in such statement with the express or implied consent of the owner, on account of bodily injury or death, or property damage, resulting from the maintenance, use or operation of the motor vehicle described in the statement. The Department of Revenue shall issue a receipt for the money or securities so deposited, and shall deliver the money or securities to the State Treasurer to be held in a separate account for the purpose set forth in this Act. The department shall not accept any deposit under this section unless it is accompanied by evidence that there are no unsatisfied judgments against the depositor of record in the office of the county court clerk or circuit court clerk of the county in which the depositor resides.

Section 9. (1) Upon the filing of a bond pursuant to Section 7 of this Act, or upon the making of a deposit pursuant to Section 8 of this Act, the Department of Revenue shall isue an appropriate certificate to the person filing the bond or making the deposit, for presentation to the county court clerk as provided in Section 4 of this Act.

(2) A bond, money or securities filed or deposited under the provisions of section 7 or 8 of this Act shall be held by the Department of Revenue (or State Treasurer) to satisfy any execution issued against the person filing the bond or making the deposit, on a judgment for damages arising out of the ownership, maintenance, use or operation of the motor vehicle covered by the bond or deposit, or issued against any person using or responsible for the use of such motor vehicle with the express or implied consent of the owner of the vehicle, on a judgment

for damages arising out of the maintenance, use or operation of the motor vehicle by such person. Money or securities so deposited and held shall not be subject to attachment or execution unless the attachment or execution arises out of such a suit for damages. If such a judgment rendered against a person covered by a bond filed under Section 7 of this Act is not satisfied within thirty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action in the name of the state against the sureties on the bond, including, in the case of a bond with individual sureties, an action to foreclose the lien upon the real estate scheduled in the bond.

Section 10. (1) No motor vehicle liability policy with respect to which the insurer has issued a certificate under the provisinos of subsection (1) of Section 4 of this Act may be cancelled during the policy period, and no bond filed pursuant to Section 7 of this Act may be cancelled or withdrawn during the license year for which it was filed, except for one of the following causes:

(a) Any cause which would authorize or require the Department of Revenue to suspend or revoke the operator's license of the owner of the vehicle covered by the policy or bond.

(b) Entry of a civil judgment against the owner of the vehicle or against any other person covered by the policy or bond, for damages for bodily injury, death or property damage resulting from the use or operation of the motor vehicle covered by the policy.

(c) Violation by the insured of a lawful provision of the policy.

(d) A cause which, in the opinion of the Department of Revenue, constitutes an adequate reason for cancellation.

(2) Any insurer or surety desiring to cancel such a policy or bond shall give written notice to the Department of Revenue, stating a date, not sooner than ten days after the date on which such notice is given, as of which the cancellation is proposed to become effective. This notice shall be accompanied with a statement of the cause for which the cancellation is to be made.

If the department is satisified that the cause is a proper one, it shall forthwith suspend the registration certificate of the motor vehicle covered by the policy or bond, and the certificate shall remain suspended until the owner of the vehicle gives new proof of his ability to respond in damages in accordance with this Act. If the department is not satisfied that the cause is a proper one, it shall so notify the insurer or surety, and the cancellation shall not become effective. When a registration certificate is suspended under the provisions of this section, the department shall so notify the county clerk by whom the certificate was issued.

Section 11. Certificates presented to the county court clerk pursuant to section 4 of this Act shall be filed by the clerk with the registration records of the persons by whom the certificates were presented, and shall be kept on file and not returned to the registrant. For his services under this section the county court clerk shall be entitled to a fee of fifty cents for each certificate filed by him, to be paid by the person presenting the certificate.

Section 12. No certificate of proof of ability to respond in damages shall be valid, for the purpose of authorizing registration or transfer of registration of a motor vehicle, for any registration year other than the registration year for which it was issued, which year shall be stated in the certificate. Where proof of ability to respond in damages has been made by the filing of a bond, the Department of Revenue may issue a certificate for a subsequent registration year only upon the filing of a new bond meeting the requirements of this Act. Where proof of ability to respond in damages has been made by a deposit of money or securities, the Department of Revenue may issue a certificate for a subsequent registration year upon the same deposit, if the depositor executes a new statement, in accordance with the provisions of Section 8 of this Act, for such subsequent registration year, and presents satisfactory evidence that there is no claim outstanding against him, or against any person who has operated the motor vehicle with his express or implied consent, for damages arising out of the maintenance, use or operation of the motor vehicle covered by the deposit during the expiring or immediately expired registration year.

Section 13. Where, during any registration year, the person in whose name a motor vehicle has been registered sells or otherwise parts with ownership of the vehicle, and acquires another motor vehicle which he desires to register, the county court clerk may register the same upon presentation of satisfactory proof of the sale or other disposition of the original motor vehicle, and

(1) In a case where the certificate of ability to respond in damages covering the original vehicle was issued by an insurance company, presentation of a certificate from such company that it has issued an endorsement or rider to the original policy, covering the motor vehicle proposed to be registered; or

(2) In a case where the certificate of ability to respond in damages covering the original vehicle was issued by the Department of Revenue upon a bond filed with the department, presentation of a new certificate from the dpartment certifying that the bond has been endorsed, by the principal and sureties, to cover the vehicle proposed to be registered; or

(3) In a case where the certificate of ability to respond in damages covering the original vehicle was issued by the Department of Revenue upon a deposit of money or securities, presentation of a new certificate from the department certifying that the depositor has executed an amended statement covering the vehicle proposed to be registered; or

(4) In any case, presentation of a new certificate of proof of ability to respond in damages meeting the dequirements of this Act.

Section 14. Money or securities deposited pursuant to Section 8 of this Act may be returned to the person entitled thereto, upon the furnishing of satisfactory evidence that there is no claim outstanding against the depositor, or against any person who has operated the motor vehicle with his express or implied consent, for damages arising out of the maintenance, use or operation of the motor vehicle covered by the deposit during the registration period covered by the deposit, in any of the following events:

(1) The death of the depositor.

(2) Presentation of proof that the depositor has sold or otherwise disposed of the vehicle covered by the deposit.

(3) Presentation of proof that the depositor has furnished another form of proof of ability to respond in damages, meeting the requirements of this Act, covering the same vehicle.

(4) Surrender of the registration certificate for the vehicle covered by the deposit.

(5) The expiration of the registration year for which the deposit was made.

Section 15. Any person whose registration certificate has been suspended under the provisions of Section 10 of this Act shall, upon request of the Department of Revenue, immediately return to the department the registration certificate and the number plates. If any person willfully fails to return to the department such certificate and plates, the department shall forthwith direct any peace officer to secure possession and return them to the department.

Section 16. An insurance company which has issued a motor vehicle liability policy meeting the requirements of this Act shall, upon request of the insured and without charge, deliver to the insured a certificate that complies with subsection (1) of Section 4 of this Act, but not more than one such certificate shall be issued for any policy, except as provided in subsection (1) of Section 13 of this Act.

Section 17. (1) Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section.

(2) The department may, in its discretion, upon the application of such person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

(3) Upon not less than five days' notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any

judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Section 18. No person shall forge, or sign without authority, any evidence of ability to respond in damages required by this Act.

Section 19. The Department of Revenue shall make reasonable rules and regulations necessary for the enforcement and administration of this Act.

Section 20. This Act shall not prevent a plaintiff from relying for relief upon the other processes provided by law.

Section 21. Any person who violates any of the provisions of this Act shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not more than ninety days, or both.

Section 22. Sections 187.290 to 187.990 of the Kentucky Revised Statutes are repealed.

Section 23. Any sums appropriated to the Department of Revenue for administration and enforcement of the provisions of KRS 187.290 to 187.990 shall be available to the departments for the administration and enforcement of this Act.

By Mr. Hale and Stumbo.

H. B. 20. AN ACT relating to district detectives.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(2) In counties containing a city of the second class the Commonwealth's attorney shall, and in counties not containing a city of the second class but containing a population of 40,000 or more persons may, if the fiscal court of such county concurs therein, appoint a district detective having a term of four years subject to removal at any time by the Common-

wealth's Attorney. District detectives authorized herein may receive an annual salary of not less than $1,800, nor more than $3,600, to be paid out of the county levy in equal monthly installments.

Ordered that said bills be printed and referred.

The Committee on Committees announced that H. B. No. 12 had been referred to the Committee on Appropriations.

Mr. Lowman moved that the House do now adjourn to meet again at 1:00 o'clock, p.m., Wednesday, January 16, 1952.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 16, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend William P. Wilhoyte, pastor of the Church of the Nazarene, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Alex H. Calvert	Wm. P. Friedlander
Dr. John Adkins, Jr.	Walter J. Chyle, Jr.	Leslie Gay
Henry Arrowood	Lewis W. Combest	Henry J. Giles
Everett J. Bach	Marvin A. Cornett	Chas. M. Greene
Sidney Baer	Josh R. Cosby	Henry C. Hale
John Rhea Banton	Charles M. Crowe	Eugene B. Hancock
Clarence J. Barnum	J. C. Denney, Jr.	George F. Harris
Owen Billington	C. E. Dowell	John Head
Wm. W. Blanton	James A. Dressman, Jr.	Farmer Helton
J. C. Bradley	Thomas R. Duncan	William K. Henry
Edw. T. Breathitt	Jack Early	Thomas D. Hewlett
Edward O. Bridgers	William Engle	Henry R. Heyburn
Thomas L. Britton	Roscoe Estep	E. R. Hilton
Mrs. Mary E. Burnete	Herbert Fern	Ray Holbrook

Chester J. Holsclaw	Thomas J. Murphy	E. H. (Ted) Stumbo
William M. Horn	Ewin C. Neville	Egbert V. Taylor
Paul S. Jonas	Bart N. Peak	Albert Thomason
William L. Jones	Louis T. Peniston	William F. Threlkeld
Jennings Kearby	Hobart Rayburn	Marion Vance
James W. Lambert	Tipton Reed	J. B. Veech
Paul M. Lewis	J. F. Robinson	Eulick (Mike) Walsh
Mrs. J. T. Linton	Earl Rogers	Wm. Thos. Wathen
Harry K. Lowman	Joe Rouse	L. M. Weathers
William Maglinger	Carl J. Ruh	W. W. Webster
Shelby McCallum	Amos Runyon	Hicks Wells
G. Lee McClain	Cecil Sanders	William B. Wells
Russell L. Meadows	Clem Schroader	W.A.(Pete)Wickliffe
Tom Mobley	Gus F. Sheehan, Jr.	Charles W. Wirsch
Robert H. Moore	Dr. B. F. Shields	Walker H. Wiseman
Walter R. Moorman	John A. Sloan	Garrett L. Withers
Fred H. Morgan	E. A. Spencer	Charles W. Burnley
Earl F. Murphy	Mrs. Thelma Stovall	Speaker

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Mr. Baer moved that the absentees be granted a leave of absence.

The absentees being as follows: R. O. Blevins, R. L. Dunigan, Harold Edwards, Jesse H. Lawrence and Morris Weintraub.

Mr. Sheehan moved that the reading of the Journal of the proceedings of Tuesday, January 15, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

The Committee on Appropriations to which same had been previously referred, reported H. B. No. 12 of the following title, with the expression that same should pass.

H. B. No. 12. AN ACT relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards agencies and other state supported activities.

Said bill was read at length the first time and ordered placed in the calendar.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Holsclaw.

H. B. No. 21. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund, and special capital fund account of such cities; restrictions on advalorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.200 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The Board of Aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provided for licensing any business, trade, occupation or profession, and the using, holding, or exhibiting of any animal, article, or other thing. License fees on such business, trade, occupation or profesion for revenue purposes shall be imposed at a rate not to exceed one percent (1%) of (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city, and (b) the net profits of al businesses, professions, or occupations from activities conducted in the city. Licenses imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state, or in other case where the city is prohibited by statute from imposing a license tax.

(2) License fees or taxes shall be collected by the Commissioners of the Sinking Fund. The proceeds from such taxes shall be paid to the Secretary and Treasurer of the Sinking

Fund until income from all sources of the Sinking Fund shall be sufficient to pay the costs of administration and the interest charges for the current fiscal year of the Sinking Fund, in addition to a sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables.

(3) Revenues remaining after meeting the foregoing requirements shall be transferred to the city. Such revenues shall be credited to the General Fund of the city as received until such receipts during the fiscal year of the city shall reach the sum of Three Million Seven Hundred and Fifty Thousand Dollars ($3,750,000.00). Any revenues in excess of said amount received during the fiscal year of the city shall be placed in an account designated "Special Capital Fund Account" and expended for capital improvements as hereinafter defined. Provided, however, twenty-five percent (25%) of the revenues so deposited to such Special Capital Fund Account during the fiscal year commencing next following the effective date of this Act, or any lesser amount remaining in said Fund at the end of said fiscal year, may be transferred to the General Fund of the city at the beginning of the fiscal year thereafter. After the initial division of said portion to the General Fund, twenty-five percent (25%) of the revenues so deposited to the Special Capital Fund Account during each fiscal year of the city, or any lesser amount remaining in said Fund at the end of said fiscal year, may be transferred to the General Fund of the city at the beginning of the succeeding fiscal year; provided further that funds from the Special Capital Fund Account may be encumbered for purposes other than capital improvements only after transfer to the General Fund.

(4) The term "Capital improvements" as used herein shall refer to lands or buildings and structures, or either or both, but shall be limited to additions or improvements of a substantial and permanent nature and shall include but not be limited to the purchase of rights-of-way for highway and expressways, the purchase of lands for park and recreational purposes and for public off-street parking facilities, the purchase or construction of municipal buildings, and the renovation and initial equipment of any newly acquired facility, wherein any essential govern-

mental function of the municipality may be located or carried on, and for the purchase and installation of traffc control devices. The term "capital improvements" as used herein shall not include the maintenance of existing streets or other public ways except that the purchase of rights-of-way for widening of existing streets shall be considered as capital improvement as herein defined.

(5) Ad valorem taxes for the benefit of the Sinking Fund shall not be levied unless the income of the Sinking Fund is otherwise insufficient to meet such requirements.

(6) Licenses shall be issued and enforced on such terms and conditions as may be prescribed by ordinance.

Section 2. Whereas, revenues from licenses in cities of the first class are available to the extent contemplated in this Act; and, whereas, under the present law a large portion of such revenues are allocated for special purposes for which such cities have not present use; and whereas such cities are in immediate need of unallocated funds for general uses, as provided by this Act, an emergency is hereby declared to exist, and this Act shall be effective immediately upon its passage and approval by the Governor.

By Mr. Lowman.

H. B. No. 22. AN ACT relating to the revocation or suspension of alcoholic beverage licenses; amending Section 243.500 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.500 of the Kentucky Revised Statutes is amended to read as follows:

Any license isued under KRS 243.020 to 243.670 must be revoked or suspended for the following causes:

(1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) Violation of the provisions of KRS 243.670.

(4) If, within a period of two consecutive years, there shall have been two or more convictions of any licensee or of any of his clerks, servants, agents or employes for any violations of the terms and provisions of Chapter 241, 243 or 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employes shall have twice been convicted of any felony or of any misdeamor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.

(5) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked or suspended in the case of sale of lacoholic beverages by the licensee at a price in excess of the price set by Federal or state regulations.

(7) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

Section 2. Whereas, the conducting of gambling operations in or upon premises licensed under the alcoholic beverage laws is of great detriment to the welfare and morals of the public, and promotes vice and crime, and authority to revoke the licenses

for such causes is questionable under existing laws, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Combest.

H. B. No. 23. AN ACT relating to public utility rates, amending section 278.190 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever any utility files with the commission any schedule stating new rates, the commission may, upon its own motion or upon complaint as provided in KRS 278.260, or upon its own motion, and upon reasonable notice, enter upon a hearing concerning the reasonableness of the new rates.

(2) Pending the hearing and the decision thereon, and upon filing with the schedule and delivering to the utility affected thereby a statement in writing of its reason therefore, the commission may at any time before the new rates become effective suspend their opration for a period of not more than 120 days beyond the time when the rates would otherwise go into effect, unless the commission finds that a longer time is necessary, in which case the commission may extend the period for an additional period of not more than 120 days.

By Mr. Jonas, Sheehan, Dressman and Ruh.

H. B. No. 24. AN ACT relating to State Aid for District tuberculosis sanatoria, amending Section 215.320 of the Kentucky Revised Statutes.

Said vill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 215.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every tuberculosis sanatorium district within the provision of KRS 215.080 to 215.350, and every tuberculosis sanatorium district established under the provisions of Chapter III of the Acts of 1812 or Chapter 65 of the Acts of 1918, and amendments thereof, shall be entitled to receive from funds appropriated for that purpose on the first day of January, April, July and October of each year, two (2 dollars per day through June 30, 1954, and three (3) dollars per day thereafter, for each free tuberculosis patient treated and cared for in the sanatorium during the three calendar months next preceding those quarterly dates.

(2) Upon the district complying with the provisions of KRS 215.080 to 215.350, the Department of Finance shall draw its warant upon the State Treasurer in favor of the district board of trustees for such sum.

This Act shal lbecome effective July 1, 1952.

By Mr. Dressman.

H. B. No. 25 AN ACT relating to dogs.

Said bill is as follows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 258.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) All license taxes shall be receivable and license tags procurable at the same time in each calendar year that state and county ad valorem taxes are due. On or before January 1 of each year, the owner of any dog shall apply to the sheriff or deputy sheriff of the county in which the owner resides, either orally or in writing, for a license for each dog owned or kept by him. The application shall state the breed, sex, age, color and markings of the dog, and the name and address of the last previous owner. It shall be accompanied by a fee of two dollars for each dog to be licensed.

(2) Any person who fails to procure a license under subsection (1) on or before January 1 of each year shall be required

to pay the additional sum of one dollar upon issuance of the license.

Section 2. Subsection (2) of Section 258.200 of the Kentucky Revised Statutes is amended to read as follows:

(2) In any proceedings under this chapter the burden of proof of the fact that a dog has been licensed or has been imported for breeding, trial or show purposes, shall be on the owner of the dog. Any dog not bearing a license tag or which bears a license tag issued for another dog shall prima facie be deemed to be unlicensed.

Section 3. Section 258.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, except the owner or his authorized agent, shall remove any license tag from a dog collar, or remove any collar with a license tag attached to the collar, from any dog.

(2) Any person finding a license tag or a collar with a license tag attached thereto shall return same to the sheriff or deputy sheriff of the county in which he resides.

Section 4. Subsection (2) of Section 258.340 of the Kentucky Revised Statutes is amended to read as follows:

(2) After payment for all loss, damages, compensation and other necessary expenses, any surplus remaining in the county livestock fund at the end of a year shall be appropriated by the fiscal court and paid to any animal humane society or organization for the purpose of promoting humaneness to animals.

Section 5. Subsection (2) of Section 258.420 of the Kentucky Revised Statutes is amended to read as follows:

(2) If it appears from the complaint, and appraisers' report filed under KRS 258.430 that the owner who suffers the loss will for any cause probably be unable to collect the damages in a civil action, or if it appears from the complaint and appraisors' report that the owner of the dog is not known, the owner who suffers the loss shall be reimbursed out of the county livestock fund of the county in which the damage occurred provided all dogs owned by him are properly licensed according to law.

Section 6. Section 258.430 of the Kentucky Revised Statutes is amended to read as follows:

Whenever any person sustains any loss or damage to any livestock by dogs, or any livestock of any person is necessarily destroyed because of having been bitten by a dog, that person, his agent or his attorney may complain to the county judge or to any justice of the peace. The complaint shall be in writing, shall be signed by the person making the complaint and shall state when, where and how the damage was done and by whose dog, if known and that the complaint has procured license tags for all dogs owned by him. The county judge or justice of the peace shall appoint two appraisers who shall investigate and ascertain the amount of damages sustained. The appraisers shall both be resident landowners of the county and not related to the claimant by either blood or marriage. The appraisers shall examine the place where the alleged loss or damage was sustained and the livestock injured or killed, and shall also examine under oath any witness called before them. After making diligent inquiry in relation to the claim, the appraisers shall determine whether any damage has been sustained and the amount of the damage, and, if possible, who was the owner of the dog by which the damage was done. They shall forthwith make a written report of this investigation and findings to the county judge or justice of the peace appointing them.

By Mr. Ruh.

H. B. No. 26. AN ACT relating to credits on qualifying examinations for public office or employment, for physically handicapped persons.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any physically handicapped person who, upon taking a qualifying examination provided for by law for any position of public employment or office, achieves a mark or grade not less than the minimum prescribed for passing the examination, shall have his mark or grade increased by five percent, except that in any case where a precentage credit on an exam-

ination is allowed by law to war veterans, the percentage credit allowed to a handicapped person on such examination shall be three-fifths of the credit allowed to war veterans. A handicapped person who is also a war veteran shall be entitled only to the war veteran credit, where the law provides for such a credit.

Section 2. As used in this Act, "physically handicapped person" means any person who is suffering from a physical disability of such character and extent as to constitute a ten percent disability under the standards established by the United States Veterans' Administration for war veterans, and for this purpose the standards so established are hereby recognized and adopted as standards for the administration of this Act. The agency which is responsible for conducting any qualifying examination for positions in public employment or office shall determine, according to such standards, whether any applicant for examination constitutes a physically handicapped person, and the decision of such agency shall be final.

By Mr. Morgan.

H. B. No. 27. AN ACT relating to implied warranties concerning the soundness or condition or suitability for use of certain articles of food or drink, and the service of process in actions based upon such warranties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No owner, operator or keeper of a retail store or food or meat market shall be held to have impliedly warranted the soundness or condition or suitability for use of any article of food or drink for a man or domestic animal which is sold by said owner, operator or keeper in the original container, can box, bottle or other type of container in which it was received by said retailer from a manufacturer, processor or wholesaler and which original container is of such sort and so sealed, stoppered, fastened or inclosed as to make it impracticable to be opened for examination of the contents thereof by the retailer. None of the provisions of KRS 361.150 shall be construed to create an implied warranty in any such case, it being the intention of the

General Assembly that KRS 361.150 shall not apply in any such case.

Section 2. Any broker or manufacturer's representative handling articles of food or drink shall be held to have impliedly warranted the soundness or condition or suitability for use of any article of food or drink for a man or domestic animal which is sold or distributed by said broker or manufacturer's representative in the original container, can, box, bottle or other tvpe of container in which it was delivered from the manufacturer or processor and which original container is of such sort and so sealed, stoppered, fastened or inclosed as to make it impracticable to be opened by the retailer for examination of the contents. The manufacturer or processor of such articles shall likewise be held to have impliedly warranted the soundness or condition or suitability for use of any such articles. In any action based upon such an implied warranty, against a manufacturer or processor, service of process may be made upon any broker or manufacturer's representative who represents such "manufacturer or processor in this state, and if such manufacturer or processor does not have such representative or agent within this state for the purpose of the service of process, such process may be made upon the Secretary of State in the same manner as is now provided for the service of process in other civil actions under the provisions of the Civil Code of Practice.

Section 3. Any manufacturer or processor selling merchandise or products in the Commonwealth of Kentucky shall designate a broker or agent or the Secretary of State of the Commonwealth as his process agent, and shall file such designation with the Secretary of State of the Commonwealth of Kentucky, and if he has no resident agent or broker in the Commonwealth of Kentucky and is required to designate a process agent, he shall pay with the filing of such designation to the Treasurer of the Commonwealth of Kentucky to the General Fund, the same amount that is required by law for the designation of a corporate process agent.

Section 4. The venue of any actions arising under this Act shall be either in the county where the products or mer-

chandise were purchased or in the county where the person aggrieved resides.

By Mr. Wm. L. Jones.

H. B. No. 28. AN ACT relating to game and fish.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2), (3), (4), (5), (6) and (8) of this section and subject to regulations adopted under this chapter, no person shall do any act authorized by any kind of license or permit provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wildlife or wild animals protected or unprotected, or the angling in any stream or body of water, whether public or private, without the securing of the license provided for herein, except as provided in this section.

(2) A person under sixteen years of age may, without a trapping license, take wild animals by trapping, and, without a fishing license, take fish by anyling, or take minnows by use of a minnow seine.

(3) Resident landowners, their resident children and lessees on their lands may, without a fishing license, take fish from the waters therein by angling, such angling, in the case of public waters, to be from the bank only, and may, without a hunting license, take wild animals and wild birds therefrom (except by trapping), subject to the further provisions of this chapter.

(4) Residents or nonresidents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident of this state who is sixty-five years of age or older may, without a hunting or fishing license, do any act authorized by such a license, but while so doing he must carry on his person an affidavit stating the year and place of his birth.

(6) The provisions of this chapter for the protection of wild animals shall not apply to any resident landowner of this state who kills on his land any wild animal that is causing damage to such land or to any personal property located thereon.

(7) In the event a reciprocal agreement is entered into between the Director of the Division of Game and Fish in this state, with the approval of the commission, and the similar authority of the State of Tennessee, pursuant to which persons holding a fishing license (Resident or Non-resident) or a statewide hunting license (Resident or Non-resident) or county hunting license issued in this state are permitted to perform the acts authorized by such license upon so much of the waters of any lake, extending across the boundary between Kentucky and Tennessee, as lies within the state of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this state, without having obtained a license therefor in this state.

(8) Any person of any age may at any time take a red fox without a license.

Section 2. Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall tkae any wild animal protected by this chapter except during the open season for the particular species as prescribed by the division. The open season for rabbits may be between November 1 and February 1 only, but shall not exceed a total of sixty days, consecutive or otherwise. The open season for mink, opossum, raccoon, skunk and muskrat may be between November 1 and February 15 only, but shall not exceed a total of sixty days, consecutive or otherwise, except that the division may allow an additional thirty days in which opossum and raccoon may be hunted and taken by dog only. The open season for squirrel may be between August 1 and January 1 only, but shall not exceed a total of ninety days, consecutive or otherwise. The open season for pond, bul or jumbo frogs shall be such period as the division may prescribe. There shall be no open season for otter or beaver.

(2) The season for red fox shall be open throughout the year, and anyone who presents the tail of a red fox to the county clerk's office shall receive a free state wide hunting license.

(3) The possession of any wild animals, fur bearers, or the raw fur thereof, when the season is not open, shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any such animal or fur by a trapper during the open season as prescribed by the division and fifteen days thereafter, or by a fur buyer during the open season and twenty days thereafter.

By Mr. Sloan.

H. B. No. 29. AN ACT relating to bribery or attempted bribery of participant, player, etc., in any sporting event, race, contest or exhibition, and amending Chapter 432 of the Kentucky Revised Statues (Offenses against the state and public justice) by including three new sections.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Bribery of participant, player, etc., in any sporting event, race, contest or exhibition—Penalty.

(1) Whoever gives, or offers or promises to give, or attempts to give or offer any money, bribe or thing of value to or on behalf of any participant, jockey, or player in any sporting event, race, contest, or exhibition of any kind whatsoever or to any person who is, or will be, umpiring, managing, directing, refereeing, supervising, judging, or presiding or officiating at any sporting event, race, contest, or exhibition of any kind whatsoever where admission is charged, with the intention or understanding or agreement that such participant, jockey, or player will not use his best efforts to win such sporting event, race, contest, or exhibition, or will so conduct himself that any other participant, jockey, player, or team will thereby be assisted or enabled to win such sporting event, race, contest, or exhibition; or in exchange for such consideration other than salary and wages that such participant, jockey, or player will so conduct

himself as to limit his or his team's scoring or margin of victory in such sporting event, race, contest or exhibition; or with the intention or understanding or agreement that such person will corruptly or dishonestly umpire, manage, direct, referee, supervise, judge, or preside or officiate at any such sporting event, race, contest or exhibition, so as to affect or influence the result thereof, is punishable by imprisonment in the penitentiary for not less than one year nor more than five years, or by a fine of not less than $1000 nor more than $5000, or both.

(2) Acceptance of bribe by participant, player, etc., in any sporting event, race, contest or exhibition—Penalty—Barring from sports.

Whoever accepts, or attemts or offers or agrees to accept, any money, bribe, or thing of value, with the intention or understanding or agreement that he will not use his best efforts to win any sporting event, race, contest, or exhibition of any kind whatsoever where admission is charged, in which he is, or will be, participating, riding, or playing; or with the intention or understanding or agreement to so conduct himself in such sporting event, race, contest, or exhibition that any other participant, jockey, player, or team will thereby be assisted or enabled to win such sporting event, race, contest, or exhibition; or in exchange for such consideration other than salary or wages that he will so conduct himself as to limit his or his team's scoring or margin of victory in such sporting event, race, contest or exhibition; or with the intention or understanding or agreement that he will, as umpire, manager, director, referee, supervisor, judge, or presiding officer or official, corruptly conduct himself, or corruptly umpire, manage, direct, referee, supervise, judge, preside, or officiate at such sporting event, race, contest, or exhibition, with the intention or purpose that the result thereof will be affected or influenced thereby, is punishable by imprisonment in the penitentiary for not less than one year nor more than five years, or by a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000), or both. In addition to the foregoing penalties any such participant violating this Section shall be forever barred in this state from participating in and from otherwise being directly or indirectly identified

with any contest of skill, speed, strength or endurance of many or beast for which admission is charged.

(3) Participant failing to make known offer of bribe—Penalty—Barring from sports.

Any such participant corruptly given, offered or promised any gift or gratuity for the purpose of influencing him to refrain from exerting his full degree of skill, speed, strength or endurance in any such contest who shall wilfully fail to forthwith make known such fact as to his employer, if he is employed as such participant, or to his manager, director or coach, if not so employed, shall be deemed guilty of a misdemeanor and punished by imprisonment for a period of not less than 90 days nor more than one year and by a fine of not less than $100 nor more than $1,000, and in addition thereto shall be forever barred in this state from participating in and from otherwise being directly or indirectly identified with any contest of skill, speed, strength or endurance of many or beast for which admission is charged.

By Mr. Combest.

H. B. No. 30. AN ACT relating to Primary Elections, amending Section 119.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 119.040 of the Kentucky Revised Statutes, 1948 edition, is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in August of each year between the hours of 7 a. m. and 5 p. m. at the regular polling places in each election precinct.

By Mr. Sheehan.

H. B. No. 31. AN ACT to authorize the procurement and award of a military medal to be known as the Conspicuous Service Cross to Kentucky war veterans having received a cita-

tion or the Purple Heart Medal; and appropriating money therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Department of Military Affairs through the use of funds that may be specifically appropriated by this Act, shall cause to be designed and manufactured a military service medal with ribbon together with a medal device not more than three-sixteenths (3/16) of an inch in diameter to be attached to the ribbon of such military service medal for each succeeding citation. The medal so designed shall be known as the Conspicuous Service Cross. The Department of Military Affairs may employ a competent artist or artists to design such ribbon medal bearing a suitable inscription together with a citation attachment, at a fee not to exceed one hundred dollars, or may provide for the selection of the designs through a public competition, with a reward of not to exceed one hundred dollars for the winning design. After the selection of the design, the department shall advertise for bids for the manufacture of the number of medals that will be required for distribution, and shall award the contract to the lowest and best bidder.

Sec. 2. The Governor, in the name of the General Assembly of the Commonwealth of Kentucky, shall present the Conspicuous Service Cross to any citizen of the State of Kentucky who while serving in the United States Army, Navy, Marine Corps or in the Army Nurse Corps, since April 6, 1917, has or shall have received a citation published in an order issued from a headquarters of a brigade or higher military unit, or equivalent naval unit, or has or shall have received the Purple Heart Medal. The Governor is further authorized to present the Conspicuous Service Cross to Kentucky troops or to citizens of this state who while serving with the allied armies, received citations as provided in this Act. Not more than one military cross shall be issued to any person, nor shall any medal be awarded or presented under the provisions of this Act to any person whose entire service subsequent to the time of the receipt of such citation shall not have been honorable. For

each succeeding citation as provided herein, such person shall be entitled to wear, as the Department of Military Affairs may direct, a metal device to be attached to the ribbon of the Conspicuous Service Cross. In the event of the death of any person during or subsequent to the receipt of such citation the Conspicuous Service Cross shall be presented to such representatives of the deceased as may be designated. The Department of Military Affairs shall provide a suitable certificate of award for the presentation of the Conspicuous Service Cross.

Sec. 3. Applications for the medal provided for by this Act shall be made to the Department of Military Affairs prior to June 30, 1954, in such form and accompanied by such proof of eligibility as the department may prescribe by regulation. The department may prescribe such rules and regulations as may be necessary for the expeditious distribution of such medals.

Sec. 4. There is hereby appropriated to the Department of Military Affairs out of the General Expenditure Fund of the State Treasury for the fiscal year ending June 30, 1953, the sum of ten thousand dollars to be used for the purpose of carrying out the provisions of this Act.

By Mr. Combest.

H. B. No. 32. AN ACT relating to the Conduct of Regular Elections, amending Section 118.040 of the Kentucky Revised Statutes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 118.040 of the Kentucky Revised Statutes, 1948 edition, is amended to read as follows:

The polls shall be opened at 7 a. m. and kept open continuously until 5 p. m. on the same day. Before receiving any ballots, the officers of election shall cause to be proclaimed that the election is opened.

By Mr. Duncan.

H. B. No. 33. AN ACT relating to filled milk.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 217.260, 217.270 and subsection (2)(a) of section 217.990 of the Kentucky Revised Statutes are repealed.

The Speaker announced that the Committee on Committees had referred bills and resolutions as follows, viz:

H. B. 10 to Mines, Oils & Minerals

H. B. 11 to Judiciary & Judicial Council

H. B. 12 to Ways and Means

H. B. 13 to Kentucky Statutes No. 2

H. B. 14 to Elections

H. B. 15 to Cities of the Fifth Class

H. B. 16 to Kentucky Statutes No. 2

H. B. 17 to Ways and Means

H. B. 18 to Motor Transportation

H. B. 19 to Insurance

H. B. 20 to Kentucky Statutes No. 2

H. Res. 4 to Kentucky Statutes No. 1

The Speaker announced that the Committee on Committees had named the standing Committees of the House for the 1952 Regular Session as follows:

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Mrs. Mary E. Burnett	Mrs. Thelma L. Stovall
William K. Henry	William F. Threlkeld
Tipton Reed	Wm. Thomas Wathen
Amos Runyon	William B. Wells
	Egbert V. Taylor

It was announced by the Clerk of the House that the oath of office had been administered to the following House employees:

Asst. Sergeant-at-Arms, Lawrence Watts, John Kouns and Henry Parry, and Janitor, Frank Sweazy.

Mr. Lowman moved that the House do now adjourn to meet again at 10:15 o'clock, p.m., Thursday, January 17, 1952.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 17, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Paul Stauffer, pastor of the Christian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Edw. T. Breathitt	J. C. Denney, Jr.
Dr. John Adkins, Jr.	Edward O. Bridgers	C. E. Dowell
Everett J. Bach	Thomas L. Britton	James A. Dressman, Jr.
Sidney Baer	Mrs. Mary E. Burnete	Thomas R. Duncan
John Rhea Banton	Alex H. Calvert	R. L. Dunigan
Clarence J. Barnum	Walter J. Chyle, Jr.	Jack Early
Owen Billington	Lewis W. Combest	Harold Edwards
Wm. W. Blanton	Marvin A. Cornett	William Engle
R. O. Blevins	Josh R. Cosby	Roscoe Estep
J. C. Bradley	Charles M. Crowe	Herbert Fern

Wm. P. Friedlander
Leslie Gay
Chas. M. Greene
Henry C. Hale
Eugene B. Hancock
George F. Harris
John Head
Farmer Helton
William K. Henry
Thomas D. Hewlett
Henry R. Heyburn
E. R. Hilton
Ray Holbrook
William M. Horn
Paul S. Jonas
William L. Jones
Jennings Kearby
Paul M. Lewis
Mrs. J. T. Linton
Harry K. Lowman
William Maglinger
Shelby McCallum
G. Lee McClain
Russell L. Meadows
Tom Mobley
Robert H. Moore
Walter R. Moorman
Fred H. Morgan
Earl F. Murphy
Thomas J. Murphy
Bart N. Peak
Louis T. Peniston
Hobart Rayburn
Tipton Reed
J. F. Robinson
Earl Rogers
Joe Rouse
Carl J. Ruh
Amos Runyon
Cecil Sanders
Clem Schroader
Gus F. Sheehan, Jr.
Dr. B. F. Shields
John A. Sloan
E. A. Spencer
Mrs. Thelma Stovall
E. H. (Ted) Stumbo
Egbert V. Taylor
Albert Thomason
Marion Vance
Eulick (Mike) Walsh
Wm. Thos. Wathen
L. M. Weathers
W. W. Webster
Hicks Wells
William B. Wells
W. A. (Pete) Wickliffe
Walker H. Wiseman
Garrett L. Withers
Charles W. Burnley
Speaker

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees being as follows: Henry Arrowood, Henry J. Giles, Chester J. Holsclaw, James W. Lambert, Jesse H. Lawrence, Ewin C. Neville, William F. Threlkeld, J. B. Veech, Morris Weintraub and Charles W. Wirsch.

Mr. C. J. Barnum moved that the reading of the Journal of the proceedings of Wednesday, January 16, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

MOTIONS AND RESOLUTIONS

A resolution of the following title was introduced, viz:

By Mr. Ruh.

H. Res. No. 5. A JOINT RESOLUTION petitioning Con-

gress to retain within Boone County, Kentucky the airport owned by Kenton County, Kentucky and known as the Kenton County Airport and to retain all United States Air Force installations located there.

A JOINT RESOLUTION petitioning Congress to retain within Boone County, Kentucky the airport owned by Kenton County, Kentucky and known as the Kenton County Airport and to retain all United States Air Force installations located there.

WHEREAS, the general welfare of Northern Kentucky is dependent upon the full scale operation of the Kenton County Airport, and

WHEREAS, all the People of the State of Kentucky benefit from the economic well-being of any of its sections, and

WHEREAS, widespread unemployment will develop in Northern Kentucky if the present situation is changed, and

WHEREAS, Air transportation will be seriously curtailed within this state

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The U. S. Congress is hereby requested to retain within Boone County, Kentucky the airport owned by Kenton County, Kentucky and known as the Kenton County Airport and to retain all United States Air Force installations located there.

A resolution of the following title was introduced, viz:

By Mrs. Linton.

H. Res. A. A RESOLUTION memorializing the death of John Albert Whitaker.

A RESOLUTION memorializing the death of John Albert Whitaker.

THE HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH OF KENTUCKY:

RECOGNIZING that death has claimed a gifted and faith-

ful son of this Commonwealth in the taking of John Albert Whitaker on the 15th day of December, 1951, the fiftieth year of his life, and the 161st year of this Commonwealth;

RECALLING his many services to his county, state and nation;

KNOWING him as a friend of the people, zealous in the protection of their ancient liberties;

REMEMBERING the honor and dignity with which he represented the Second Congressional District in the United States Congress;

WITNESSING the courage and forbearance with which he bore alike the trials of private and public life; and

BELIEVING his life will inspire his fellow citizens,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the life of John Albert Whitaker be here commemorated by this recognition of his virtues, and

That the death of John Albert Whitaker be memorialized as a profound loss to the Commonwealth of Kentucky.

That a copy of this Resolution be spread at large on the Journal of this House, and that the Clerk of the House transmit a copy of this Resolution to the widow.

Mrs. Linton moved the adoption of said resolution.

Motion was agreed to.

Mr. Lowman moved that when the House adjourns today, it adjourns until Monday, January 21, 1952, at 8:00 o'clock p.m.

Said motion was agreed to.

Mr. Lowman moved to make H. B. No. 12 a Special Order for Tuesday, January 22, 1952, at 11:30 o'clock a.m.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Cornett.

H. B. No. 34. AN ACT relating to contracts and separate estate of married women, amending section 404.010 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 404.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Marriage shall give to the husband, during the life of the wife, no estate or interest in the wife's property, real or personal, owned at the time or acquired after the marriage. During the existence of the marriage relation the wife shall hold and own all her estate to her separate and exclusive use, and free from the debts, liabilities or control of her husband.

(2) After the effective date of this Act a married woman may make a contract to answer for the debt, default or misdoing of another, including her husband, and her estate shall be subjected to the payment or satisfaction of such liability, so contracted for, provided, however, no part of a married woman's estate shall be subjected to the payment or satisfaction of any liability upon such a contract made after marriage and before the effective date of this Act unless the estate has been set apart for that purpose by mortgage or other conveyance. But a married woman's estate shall be liable for her debts and responsibilities contracted before marriage, and for such contracted after marriage, except as provided in this chapter and in Chapter 392.

By Mrs. Stovall.

H. B. No. 35. AN ACT relating to the qualifications of teachers of handicapped children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No standards, rules or regulations prescribed by the State Board of Education pursuant to the authority of KRS 157.250 shall apply to, or affect, any person who, at any time prior to March 25, 1948, was qualified to teach, and had actually taught, in any class in any school authorized by KRS 157.230.

By Mr. Moorman.

H. B. No. 36. AN ACT relating to time.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The standard time fixed and prescribed for the Commonwealth of Kentucky by Act of Congress or by order of the Interstate Commerce Commission shall apply to and govern all laws, regulations and rules relating to the time of performance of any act by any officer or department of the Commonwealth, or of any county, city or subdivision or agency thereof, or relating to the time that any right shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the Commonwealth, and in all the public schools and institutions of the Commonwealth and on the public works of the Commonwealth or any county, city or district thereof, or in all contracts or choses in action made or to be performed in the Commonwealth.

Section 2. Section 2.150 of the Kentucky Revised Statutes is repealed.

By Mr. Estep.

H. B. No. 37. AN ACT relating to jury service.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 29.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The jury commissioners shall take the most recent registered election voters' records for the county and from them carefully select from the intelligent, sober, discreet and impartial citizens in different portions of the county, the following number of names of such persons over twenty-one years of age:

(a) In counties having a population of ten thousand or less, not less than one hundred and sixty-two nor more than two hundred.

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than one hundred and sixty-two nor more than three hundred.

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than five hundred nor more than six hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, one thousand.

(e) In counties having a population of more than one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

(2) They shall place the name, and in counties containing a city of the first, second or third class, the adddress, of each person so selected, on a small slip of paper, each slip being as near the same size and appearance as practicable. In counties having courts of continuous session in which the commissioners have employed a typist, the typist shall type the names on the slips; in other counties the commissioners shall write the names on the slips in plain handwriting. Each slip shall be by them enclosed in a small case and deposited, unsealed, in a revolving drum, but before depositing any of the slips in the drum they shall carefully examine its contents and remove and destroy any slips found therein.

(3) The slips of paper upon which are written the names of persons placed by the commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on the list.

Section 2. Subsection (3) of Section 29.040 of the Kentucky Revised Statutes is repealed.

By Mr. Sanders.

H. B. No. 38. AN ACT requiring that motor vehicles be listed for property taxation with the county tax commissioner before being licensed.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 186.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before the owner or operator of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers of hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration to the county clerk of the county in which he resides or in which the motor vehicle is to be operated. A motor vehicle last registered in another state and purchased by a person for operation in this state shall be first registered in this state by and in the name of the purchaser and not in the name of the seller. The application shall be retained by the clerk and shall be accompanied by:

(a) A bill of sale, if the application is for the registration of a new motor vehicle; or

(b) The owner's registration receipt, if the motor vehicle was last registered in this state, and a receipt from the county tax commissioner showing that the vehicle has been listed for property taxation assessment, excepting franchised motor vehicles, said receipt forms to be furnished to the county tax commissioner by the Department of Revenue and to be filled in and signed in duplicate by the county tax commissioner at the time the motor vehicle is listed, the original receipt being given to the vehicle owner and the duplicate receipt being delivered or mailed to the county clerk by the county tax commissioner and being maintained by the county clerk during the current calendar year in an alphabetical file so that in the

event the vehicle owner loses the original receipt issued him by the county tax commissioner the county clerk can use the duplicate receipt which is in his alphabetical file to meet the requirements of this section; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a motor vehicle to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a motor vehicle to obtain a certificate of title or ownership.

After that, he shall register his motor vehicle on or before March 1 of each year. In so far as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

By Mr. McClain.

H. B. No. 39. AN ACT relating to public library service and making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. For promoting, aiding and equalizing public library service in Kentucky, particularly in rural areas, there is hereby appropriated out of the General Expenditure Fund of the State Treasury, to the Library Extension Division of the Department of Library and Archives, the sum of $50,000 for the fiscal year 1952-53, and $60,000 for the fiscal year 1953-54, which fund shall be known as the Public Library Service Fund.

2. Any funds appropriated for the promotion, aiding and equalizing of public library service shall be administered by the Library Extension Division of the Department of Library and Archives, which body shall frame by-laws, rules and regulations for the allocation and administration of said funds. The funds so appropriated shall be expended for aiding in the establishment, extension and development of local public library facili-

ties (exclusive of library buildings, equipment and furniture) through the purchase of books or bookmobiles, through technical assistance, educational and promotional programs, and such other methods and services as will best accomplish the purpose.

3. To the extent of funds available, grants shall be made to counties applying for state aid, in the order in which they meet the requirements established by the Library Extension Division. Grants-in-aid thus provided shall not exceed $5,000 to any county. Each county receiving a state grant shall expend from local funds, for county-wide public library service during the years for which aid is received a sum equal to at least 5% of the amount received from state funds; the ratio of matching to be based on local financial ability as determined by the assessed valuation of the county.

4. The fund appropriated under this act shall be separate and apart from the appropriation to the general fund of the Library Extension Division, which fund shall not be affected by this Act or appropriation hereunder.

5. It is the intention of this Act to add to the public library service given by local communities and not to relieve such communities of their responsibilities.

By Mr. Neville.

H. B. No. 40. AN ACT relating to school transportation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The State Board of Education shall operate, administer and control the school transportation system of this state and is vested with the authority to buy, trade, sell, or lease necessary vehicles and equipment.

(2) The board shall appoint a committee, composed of three members, who shall evaluate vehicles or equipment previously used for school transportation, and shall submit recommendations to the board concerning the purchase or lease of same. All new vehicles, equipment, and accessories shall be purchased through fleetline contracts.

(3) Each school of this state shall transfer its present transportation fund to its general operating fund, which shall remain under the full control of the local board of education.

Section 2. Section 158.110 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall furnish transportation for pupils of elementary grade who do not reside within reasonable walking distance of the school provided for them or for any pupil of any grade who does not live within a reasonable walking distance from the school provided for him. The State Board of Education shall adopt such rules and regulations as will insure the comfort, health and safety of the children who are transported.

Section 3. (1) Any high school of this state may provide a class for the drivers of school buses in cooperation with the commissioner of the Kentucky State Police, who shall carefully select members of his department to conduct the classes. The class shall be open to any pupil over sixteen years of age or to any adult who is interested in driving a school bus.

(2) Every applicant for a school bus driver's license must pass an examination conducted by the Kentucky State Police which shall be of such scope as in the judgment of the commissioner of the Kentucky State Police, will establish the competency and trustworthiness of the applicant; provided, however, that no examination shall be required for the renewal of any present or future license unless such license has been revoked or suspended. Substitute school bus drivers shall comply with the provisions of this subsection.

(3) The monthly compensation for pupil bus drivers shall be twenty-five dollars but the compensation for other drivers shall be sixty dollars.

Section 4. Section 186.600 of the Kentucky Revised Statutes is amended to read as follows:

No person under the age of sixteen shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to or from school, or drive a motor vehicle while it is in use as a public passenger-carrying vehicle.

Section 5. Section 160.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Board of Education shall set aside funds to provide for liability and indemnity insurance against the negligence of the drivers or operators of school buses. Such insurance shall be issued by some company authorized to transact business in this state.

(2) Every application for a school bus operator's license shall be accompanied by a bond in the sum of one thousand dollars. The bond shall be issued by a surety company authorized to transact business in this state and shall bind the company to pay any final judgment rendered against the insured for loss or damage to the property of any school child or death or injury to any school child or other person. The bond shall be payable to the Commonwealth of Kentucky and shall be conditioned that the applicant shall conduct his duties as a school bus operator in a manner which will safeguard school children and the public at all times. The bond shall be in a form approved by the commissioner of the Kentucky State Police. Every school bus driver licensed before the effective date of this section shall also furnish bond in accordance with the provisions hereof.

Section 6. Section 158.130 of the Kentucky Revised Statutes is amended to read as follows:

When it appears to the board of education of any school district that it is convenient for a pupil of any grade residing in that district to attend an approved public school in another district, the board of education may enter into a tuition contract with the public school auhorities of the other school district for that purpose, but before such a contract is entered into with public school authorities in another state the school must have been approved by the state school authorities of that state through the grades in which the pupil belongs, when a district undertakes, under operation of a tuition contract or of law, to provide in its school for pupils residing in another district, the district of their residence shall share the total cost of the school in proportion to the number of pupils or in accordance with contract agreement between the two boards.

Section 7. Subsection (3) of Section 158.100 of the Kentucky Revised Statutes is amended to read as follows:

(3) If the number of pupils of high school grade below twenty-one years of age of either race in any county or independent district is not sufficient to maintain a high school for that race, the board shall provide high school service by contract with another county or independent district that maintains an approved high school, and may provide for the board and room of the pupils within reasonable walking distance of such school if it deems feasible. The board and room shall not cost more than one hundred dollars per annum for any pupil.

Section 8. For the purpose of carrying out the provisions of this act there is hereby appropriated to the Department of Education out of the general expenditure fund the sum of $1,500,000 for the initial purchase of school buses, equipment, and accessories and the additional sum of $1,150,000 for the fiscal year of 1953-54 for the maintenance, upkeep, and insurance of school buses and equipment; payment of employees, and costs of administration.

Section 9. Subsection (2) of Section 280.320 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Department of Education shall pay the proper toll charges over privately owned toll bridges or toll ferries for children going to or returning from school, and for school buses and other vehicles used exclusively in the transportation of school children to and from school.

Section 10. Section 158.115 of the Kentucky Revised Statutes is repealed.

Section 11. This Act shall not take effect until January 1, 1953 and shall not impair any contract right or obligation.

By Mr. Spencer.

H. B. No. 41. AN ACT concerning zoning and planning in cities of the first class and in counties containing such cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 100.077 of the Kentucky Revised Statutes is amended to read as follows:

(1) It shall be unlawful to construct in any street or highway any building, structure, improvement, sewer or utility, publicly or privately owned, until and after such street or highway has been made a part of the master plan and until a permit therefor has been only issued by the proper authority. But the granting or issuing of such permit shall not affect the power of any governmental agency, whose duty it is to make, repair or maintain an existing street, road or highway, or whose duty it may be or will be to construct, repair or maintain the proposed street, road or highway, if and when constructed, subject to the provisions of subsection (2) hereof, (a) to require reimbursement from such permitee for any expenditures made by such agency due to the exercise of such permit, or (b) to determine where and how such sewers, pipes, lines, poles, conduits or other type or character of construction are to be placed in said existing, projected or proposed street, road or highway, or (c) to require that all work and installations shall be done under the supervision of such governmental agency, or any one designated by such governmental agency. The granting or issuing of any such permit shall not in any way effect the right, if any, of any owner of private property to demand and receive compensation from the permittee for damage to such property caused by such use, whether the right to such use, as distinguished from such permit, be acquired by purchase, lease, condemnation, or otherwise.

(2) A governmental agency whose duty it may or will be to contruct, repair or maintain a proposed street, road or highway may, for ninety days after the effective date of this Act, refuse to issue a permit for the construction, in any proposed street, road or highway which is a part of the master plan, of any building, structure, improvement, sewer or utility, without paying to the owner or lessee the compensation hereinafter provided. Further, such governmental agency may, for a period of ninety days after the addition of a proposed street, road or highway to the master plan, refuse such a permit without paying

the compensation hereinafter provided. After the expiration of the ninety day period hereinabove provided, no permit to construct a building, structure, improvement, sewer or utility in any proposed street, road or highway shall be refused unless the governmental agency pays to the owner of such property an annual payment equal to ten percent of the assessed value of such property so situated as determined from the records of the county tax commissioner. Payments shall be made in semi-annual installments.

By Mr. Burnley and Morgan.

H. B. No. 42. AN ACT relating to the reappraisal of property for advalorem taxes in cities, counties and other taxing districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.670 of the Kentucky Revised Statutes is amended to read as follows:

Whenever a city or county by order of its legislative body petitions the department for a reappraisal of the properties therein and the department after investigation determines that a reappraisal is necessary, the department shall, according to the comparative need therefor, provide personnel and other assistance to aid the city assessor or county tax commissioner in accomplishing this result. The Department of Revenue shall prescribe methods and specifications for the reappraisal of property. Personnel authorized to assist in making a city or county reappraisal under this section may be given the same authority as a deputy tax commissioner or deputy city assessor. Cities, counties and other taxing districts may make appropriations from their general funds to share expenses incurred for such purposes by the department or for the purpose of employing other assistance in conducting such reappraisal projects.

By Mr. Denney, Rogers, Helton and Early.

H. B. No. 43. AN ACT relating to animals running at large.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No cattle shall be permitted to run at large on right of ways, or inclosed lands, when the fencing of such lands is opened for the construction or reconstruction of any part of the primary system of state highways until the work is completed and accepted by the Department of Highways.

Section 2. (1) Any county, justice's district or precinct may, by an election held under Section 3, prohibit cattle or any species of cattle from running at large in the county, justice's district or precinct.

(2) No election shall be held under Section 3 in any precinct, justice's district, or county in which an election under that section has been held within the preceding four years.

Section 3. Upon the petition of twenty-five voters of any precinct, fifty voters of any justice's district or one hundred voters of any county, filed in the county court of that county, asking a submission of the question whether cattle or certain named species of cattle shall be permitted to run at large in the precinct, justice's district or county, the county court shall direct the sheriff and the officers of election in the precinct, justice's district or county, to open a poll at the next regular election held not less than sixty days after the filing of the petition, for the purpose of ascertaining the will of the voters upon the question whether or not they are in favor of prohibiting cattle or any species of cattle from running at large in the precinct, justice's district or county.

Section 4. Before any election is held under Section 3 the fiscal court of the county shall decide by a majority of its members whether the election shall be confined to voting precincts or justice's districts, or shall be to take the sense of the voters of the entire county. The decision of the court shall be entered on the records of the court, and shall not be changed for four years. No subsequent order of the court in respect to the territory to be embraced at any election shall annul or render void any election held under this section until after the expiration of four years from the date of the election, or render ineffectual any fiscal court orders heretofore made or

elections held under those orders, on the question of cattle running at large, until the expiration of four years after the election is held.

Section 5. No election shall be ordered under Section 3, unless the petitioners deposit with the county court, at the time the petition is filed, an amount sufficient, in the judgment of the court, to defray the expenses of the election.

Section 6. (1) The question shall not be submitted unless notice is published twenty days before the election in at least four issues of the newspaper published in the county, if there is one, having the largest bona fide circulation in the county. If there is no newspaper published in the county, notice shall be given by posting notices of the election on the courthouse door or the bulletin board for the courthouse, and in four public places in each precinct in which the election is to be held, at least twenty days before the election.

(2) The notices shall state whether it is proposed to prohibit the running at large of cattle generally or only certain named species of cattle.

Section 7. When an election is ordered under Section 3, the county clerk shall have printed on the ballots for each precinct in which a vote is to be taken the question: "Are you in favor of making it unlawful for cattle (or the species thereof designated in the petition) to run at large on the public highways and uninclosed lands of (the precinct, justice's district or county)?"

Section 8. The poll of elections held under Section 3 shall be compared and the result announced in the manner, at the time and by the persons authorized to compare the polls and declare the results in elections held for county offices. The result shall be spread upon the records of the county court at its next regular term held after the result is declared.

Section 9. (1) If a majority of those voting upon the question stated in Section 7 vote "No," paragraphs (a), (b) and (c) of subsection (2) shall not go into effect in the precinct, justice's district or county, as the case may be, where the vote is taken.

(2) If a majority of those voting vote "Yes," paragraphs (a), (b) and (c) of this section shall apply.

(a) No person, after thirty days following the election, shall permit any cattle or the species of cattle named in the petition, owned by him or under his control or in his custody, to run at large in the precinct, justice's district or county.

(b) If any damage is committed by cattle in the precinct, justice's district or county, the owner of the cattle shall be liable for all damages, whether the place where the damages occurred is inclosed by lawful fence or not. The person damaged shall have a lien on the cattle committing the damage for the amount of the damage and cost of suit.

(c) Any constable, sheriff or city marshal shall impound any cattle found running at large in the precinct, justice's district or county, and the owner or bailee of the cattle shall pay to the officer impounding, for each head impounded, one dollar and the cost of feeding and taking care of the cattle, but the cost of impounding any number of cattle at any one time shall not exceed three dollars and the cost of feeding. The officer shall have a lien on the cattle impounded for his fees and expenses, which he may enforce in the same manner in which mortgage liens are enforced.

Section 10. In any prosecution for a violation of subsection (2) (a) of Section 9, it shall not be necessary to allege that an election was held, or any other step relative to an election was undertaken, but the indictment, warrant or information may simply state that the act charged was committed in a territory where subsection (2) (a) of Section 9 was in force.

Section 11. Section 259.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates subsection (2) (a) of Section 9 shall be fined not less than five dollars nor more than twenty-five dollars.

(2) Any person who violates any of the provisions of KRS 259.110 to 259.140 shall be fined ten dollars.

(3) Any person who violates KRS 259.150 shall be fined fifty dollars.

(4) Any person who violates KRS 259.200 shall be fined not less than ten dollars nor more than one hundred dollars, and each head of cattle trespassing shall constitute a separate offense.

Section 12. Section 259.210 of the Kentucky Revised Statutes is repealed.

By Mr. Sanders.

H. B. No. 44. AN ACT relating to contracts and separate estate of married women, amending KRS 404.010.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 404.010, Kentucky Revised Statutes is hereby repealed, amended and re-enacted so that as amended and re-enacted it shall read as follows:

(1) Marriage shall give to the husband, during the life of the wife, no estate or interest in the wife's property, real or personal, owned at the time or acquired after the marriage. During the existence of the marriage relation the wife shall hold and own all her estate to her separate and exclusive use, and free from the debts, liabilities or control of her husband.

(2) After the effective date of this Act a married woman may make a contract to answer for the debt, default or misdoing of another, including her husband, and her estate shall be subjected to the payment or satisfaction of such liability, so contracted for, provided, however, no part of a married woman's estate shall be subjected to the payment or satisfaction of any liability upon such a contract made after marriage and before the effective date of this Act unless the estate has been set apart for that purpose by mortgage or other conveyance. But a married woman's estate shall be liable for her debts and responsibilities contracted before marriage, and for such contracted after marriage, except as provided in this chapter and in Chapter 392.

By Mr. Morgan.

H. B. No. 45. AN ACT relating to the obtaining or credit for merchants.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any merchant in this state, before extending credit to any person applying for same, may require such person to sign, in presence of two witnesses, a credit statement containing such information as is reasonably required to determine the credit rating of the person.

Section 2. Any person who makes a false statement in any credit statement executed under Section 1 of this Act shall be deemed guilty of obtaining property under false pretenses, and shall be confined in the county jail for not more than six months or fined not more than five hundred dollars, or both.

By Mr. Vance.

H. B. No. 46. AN ACT relating to running or trotting horse race tracks, repealing section 138.520 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.520 of the Kentucky Revised Statutes is repealed.

By Mr. Vance.

H. B. No. 47. AN ACT relating to an excise tax on parimutuel betting and allocation of eighty-eight percent of revenue derived to the Common School Per Capita Fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.510 of the Kentucky Revised Statutes relating

to pari-mutuel betting is hereby amended and re-enacted so that as so amended and re-enacted same shall read as follows:

Section 1. An excise tax is imposed on every person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to twenty-five percent of the total amount of all money deposited in pari-mutuel pools or similar pools (including any pool, such as a daily double pool, even though tickets sold for such a pool are not vended by a mechanical or electrical device nor the totals of such a pool computed and determined by a totalizator.)

Section 2. Eighty-eight percent of the revenue derived from the tax imposed by KRS 138.510 during the fiscal years of 1952-53 and 1953-54 is appropriated to the Common School Per Capita Fund for each of those fiscal years.

By Mr. Vance.

H. B. No. 48. AN ACT INCREASING THE DISTILLED SPIRITS' tax and providing of the disposition of the revenue.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of section 243.720 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is levied upon the use, sale or distribution by sale or gift of distilled spirits a tax of $3.00 on each wine gallon of distilled spirits, and a proportional rate per gallon on all distilled spirits used, sold or distributed in any container of more or less than one gallon, but the rate of the excise tax on spirits in retail containers of one-half pint shall be eight cents.

Section 2. One dollar and seventy-two cents out of every three dollars of revenue from the tax imposed by subsection (1) of KRS 243.720 during the fiscal years of 1952-53 and 1953-54 is appropriated to the Common School Per Capita Fund for each of those fiscal years.

By Mr. McClain.

H. B. No. 49. AN ACT providing for the proper display of the Flag of the United States of America in each and every polling or voting place in the Commonwealth of Kentucky on election days; providing for the methods and procedures to carry out its provisions, and providing penalties for the violation of same.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Flag of the Government of the United States of America shall be displayed from a staff in every voting or polling place in the Commonwealth of Kentucky on election days.

Section 2. It shall be the duty of the Sheriff of each county in this commonwealth to deliver to the sheriff or other election officer in each voting precinct at the established polling or voting place on or before election days a flag of the Government of the United States of America for display in the polling or voting place together with a flagstaff and flag stand. It shall be the duty of the sheriff of the election or other election officers of the precinct to properly display such flag from a staff in the voting or polling place during the hours when the polling or voting place is open for voting. The flag so delivered and displayed shall conform to the specifications as set forth in Section 5 hereof. When the polls are closed on election days, it shall be the duty of the sheriff of the election or some other election officer of said voting or polling place to return said flag, the flagstaff and flag stand to the Sheriff of the county.

Section 3. In order that the said flags be delivered by the sheriffs of the respective counties of the Commonwealth of Kentucky, it shall be mandatory and compulsory on the Fiscal Court of each county in Kentucky to purchase the flags, the flagstaffs and flag stand necessary to carry out the provisions of this Act, the costs of same to be paid out of the County Treasury. The said flags, flagstaffs and flag stands shall be turned

over to the custody of the Sheriff of said county, who shall give to the Fiscal Court a receipt for same.

Section 4. Whenever there is need to replace said flags, flagstaffs, flag stands, or any of them, because of wear or tear, or because they have been lost or destroyed, the Sheriff of said county shall so notify the Fiscal Court of said county, who shall replace said flags, flagstaffs, flag stands, or any of them.

Section 5. The flags of the Government of the United States of America which are to be displayed in the voting place as herein provided shall be "weather flags, United States Government Grade 'A' " and shall not be less than three (3) feet at the hoist (width) and five (5) feet at the fly (length).

Section 6. Any person or persons who willfully violate any of the provisions of this Act, shall upon conviction be fined, not less than ten dollars ($10) or more than fifty dollars ($50) for each offense.

CALENDAR

The House took up for consideration from the Calendar H. B. No. 12 of the following title, viz:

H. B. No. 12. AN ACT RELATING TO APPROPRIATION FOR THE OPERATION, MAINTENANCE, SUPPORT AND FUNCTIONING OF THE GOVERNMENT OF THE COMMONWEALTH OF KENTUCKY AND ITS VARIOUS OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS, SUBDIVISIONS, AGENCIES AND OTHER STATE SUPPORTED ACTIVITIES.

The constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by the title only and

Ordered that said bill be placed in the Orders of the Day.

Mr. Lowman moved that the Clerk of the House be ordered to have two hundred (200) extra copies of the Governors message printed and distributed to the members of the House.

Said motion was agreed to.

Speaker Burnley appointed a committee to investigate the

Social Security numbers, regarding withholding tax. The committee being as follows: W. A. Wickliffe, Chairman, Josh Cosby and Shelby McCallum.

SENATE MESSAGE

A message was received from the Senate announcing that they had adopted resolutions with originated in this House of the following titles, viz:

H. Res. No. 1. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

H. Res. No. 2. A JOINT RESOLUTION appropriating additional compensation for officers and employees of the House and Senate, and declaring an emergency.

H. Res. No. 3. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest," and declaring an emergency.

Ordered that said resolutions be delivered to the Enrolling Clerk of this House.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Henry on the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled resolutions of the following title, viz:

H. Res. No. 1. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

H. Res. No. 2. A JOINT RESOLUTION appropriating additional compensation for officers and employees of the House and Senate, and declaring an emergency.

H. Res. No. 3. A JOINT RESOLUTION providing for the

purchase and distribution of "The Legislative Digest," and declaring an emergency.

Thereupon all other business was suspended, and said resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said resolutions to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said resolutions duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Lowman moved that the House do now adjourn to meet again at 8:00 o'clock, p.m., Monday, January 21, 1952.

Said motion was agreed to.

And then the House adjourned.

MONDAY, JANUARY 21, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Edward W. Baxter, Episcopal Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Wm. W. Blanton	Alex H. Calvert
Dr. John Adkins, Jr.	R. O. Blevins	Walter J. Chyle, Jr.
Henry Arrowood	J. C. Bradley	Lewis W. Combest
Everett J. Bach	Edw. T. Breathitt	Marvin A. Cornett
Sidney Baer	Edward O. Bridgers	Josh R. Cosby
John Rhea Banton	Thomas L. Britton	Charles M. Crowe
Clarence J. Barnum	Mrs. Mary E. Burnete	C. E. Dowell

James A. Dressman, Jr.	William L. Jones	Amos Runyon
Thomas R. Duncan	Jennings Kearby	Cecil Sanders
R. L. Dunigan	James W. Lambert	Gus F. Sheehan, Jr.
Jack Early	Jesse H. Lawrence	Dr. B. F. Shields
Harold Edwards	Paul M. Lewis	John A. Sloan
William Engle	Mrs. J. T. Linton	E. A. Spencer
Roscoe Estep	Harry K. Lowman	Mrs. Thelma Stovall
Herbert Fern	William Maglinger	E. H. (Ted) Stumbo
Wm. P. Friedlander	Shelby McCallum	Egbert V. Taylor
Leslie Gay	G. Lee McClain	Albert Thomason
Henry J. Giles	Russell L. Meadows	William F. Threlkeld
Chas. M. Greene	Tom Mobley	Marion Vance
Henry C. Hale	Robert H. Moore	J. B. Veech
Eugene B. Hancock	Walter R. Moorman	Eulick (Mike) Walsh
George F. Harris	Fred H. Morgan	Wm. Thos. Wathen
John Head	Earl F. Murphy	L. M. Weathers
Farmer Helton	Thomas J. Murphy	W. W. Webster
William K. Henry	Ewin C. Neville	Hicks Wells
Thomas D. Hewlett	Bart N. Peak	William B. Wells
Henry R. Heyburn	Louis T. Peniston	W. A. (Pete) Wickliffe
E. R. Hilton	Tipton Reed	Charles W. Wirsch
Ray Holbrook	J. F. Robinson	Walker H. Wiseman
Chester J. Holsclaw	Earl Rogers	Garrett L. Withers
William M. Horn	Joe Rouse	Charles W. Burnley
Paul S. Jonas	Carl J. Ruh	Speaker

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees being as follows: Owen Billington, J. C. Denney, Jr., Hobart Rayburn, Clem Schroader, and Morris Weintraub.

Mr. Morgan moved that James Henry Hale be made Honorary Page for the session.

Said motion was agreed to.

Mr. Robert H. Moore moved that John C. Watts, Congressman of the Sixth Congressional District, be granted the privilege of the floor.

Said motion was agreed to.

Mrs. Burnett moved that Mrs. William Engle, Hazard, Kentucky, be granted the privilege of the floor.

Said motion was agreed to.

Mr. Sheehan moved that the reading of the Journal of the proceedings of Thursday, January 17, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

INTRODUCTION OF A RESOLUTION AND BILLS

A resolution & bills of the following titles were introduced, viz:

By Mr. Hale.

H. Res. No. 6. A JOINT RESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

Said Resolution is as follows, viz:

A JOINT RESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

WHEREAS, the general welfare of Eastern Kentucky is dependent upon the full scale operation of the coal industry in that section of the state, and

WHEREAS, all the people of the State of Kentucky benefit from the economic well-being of any of its sections, and

WHEREAS, the coal industry in the Big Sandy Valley of Eastern Kentucky is at a distinct disadvantage in competing with coal producing regions of some other states, which are able to ship their coal to market by river as well as other means of transportations, and

WHEREAS, widespread unemployment has developed in the Big Sandy Valley due to this situation, and

WHEREAS, the building of a series of locks and dams on the Big Sandy River would provide a new means of transportation for coal from that area, thereby putting the valley in an equal competitive situation with that of other areas, and

WHEREAS, the U. S. Corps of Engineers has recommended the canalization of the Big Sandy River as being a project worthy of construction by the Federal Government:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The U. S. Congress is hereby requested to appropriate funds to begin the construction of locks and dams on the Big Sandy River, so as to provide a stage of water which will make possible year-round transportation on that river. The Congress is requested to make such funds available immediately to the U. S. Corps of Engineers, so that construction of locks and dams can begin during the year 1953.

By Mr. Adams.

H. B. No. 50. AN ACT relating to public assistance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 205.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 205.160 to 205.250, unless the context requires otherwise:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner" means the Commissioner of Economic Security or his authorized representative;

(3) "Division" means the Division of Public Assistance in the Department of Economic Security;

(4) "Public assistance" means money grants, assistance in kind or services to or for the benefit of needy aged or needy children or needy blind;

(5) "Needy child" means a child under the age of eighteen who has been deprived of parental support by reason of the

death, absence or incapacity of a parent, and who is unable to provide for himself and who does not otherwise have provided for him a subsistence compatible with decency and health;

(6) "Parent," in addition to natural or adopted parent, shall include step-parent;

(7) "Needy aged" means a person who has attained the age of sixty-five and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(8) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health.

(9) "Needy permanently and totally disabled person" means a person who is unable because of his physical or mental condition to provide for himself and who does not have otherwise provided for him a substance compatible with decency and health.

Section 2. Subsection (1) of Section 205.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the other provisions of this section, a needy aged person, a needy blind person, a needy child, or a needy permanently and totally disabled person shall be eligible to receive a public assistance grant if:

(a) He has made a proper application or an application has been made on his behalf in the manner and form prescribed by regulation;

(b) He is a resident of this state at the time of receiving aid, and has been a resident of this state for such period of time prior thereto as is prescribed by regulation; and

(c) He is not, at the time of receiving public assistance, an inmate of any public institution which provides shelter, custody or care and is the responsibility of or administered by

a governmental unit, except for temporary medical or surgical care in a hospital; Provided, that no individual shall be eligible to receive public assistance under KRS 205.160 to 205.250 under more than one category of public assistance for the same period of time.

Section 3. Subsection (1) of Section 205.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Payments of public assistance grants or eligible individuals shall be made at the time and in the manner prescribed by regulation to:

(a) The needy, aged or needy blind or needy permanently and total disabled person or recipient; or

(b) The parent or relative with whom a needy child lives; or

(c) The parent or legal guardian of a blind minor; or

(d) The legal guardian of (a) or (b) above; or

(e) Such other persons on behalf of an eligible person as may be prescribed by regulation.

Section 4. Subsection (2) of Section 205.240 of the Kentucky Revised Statutes is amended to read as follows:

(2) Prior to July 1 of each year the Commissioner shall allocate the money in the Public Assistance Fund to the four categories of public assistance provided for in KRS 205.160 to 205.250; namely needy children, needy aged, needy blind, and needy permanently and totally disabled persons, in proportion to the estimated number of applicants and recipients in each category for the following fiscal year, provided that the commissioner may, in the second year of any legislative biennium, reallocate said funds based on the number of recipients during any biennium and the anticipated applicants during the balance of the biennium.

Section 5. Section 195.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall exercise all functions of the state in relation to:

(a) Administration and supervision of state unemployment insurance.

(b) Administration and supervision of state employment offices.

(c) Administration and supervision of all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, the blind, permanently and totally disabled persons, and otherwise handicapped.

(d) Administration and supervision of all child welfare activities except those vested in the Department of Health.

By Mr. Vance, Britton, Murphy, Dunigan, Edwards, Holbrook, Neville, Robinson, and Mrs. Stovall.

H. B. No. 51. AN ACT relating to the election of county school superintendents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In each county school district there shall be elected a county superintendent of schools, who shall take office on the first Monday in January following his election and hold office for a term of four years and until his successor is elected and qualified. A person so elected for a succeeding term or terms. Elections for county school superintendent shall be held at the regular November election in the year in which county officers are elected, the first election being held in 1953. The term of any county superintendent of schools appointed under KRS 160.350 shall not extend beyond June 30, 1953, except that the superintendent whose term will expire on June 30, 1953, shall continue to remain in office until the first Monday in January of 1954.

Section 2. The county school superintendent shall be elected by the voters of the county, excluding the voters in independent school districts within the county.

Section 3. No person shall be eligible for the office of

county school superintendent who does not, at the time of his election, hold a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of administration and supervision issued in accordance with the provisions of law, and which qualifies him to hold the position to which he may be elected, and he shall hold such a certificate throughout his term of office; nor shall he be eligible to such office unless, at the time of his election, he is twenty-four years of age or over, and has been a resident of this state at least one year.

Section 4. The names of candidates for county school superintendent shall be on a separate ballot from all other ballots used in the election. No party emblem or symbol shall be placed on such ballot, or other device to indicate the political affiliation of any candidate. The county clerk shall cause to be printed on the ballot the names of all eligible candidates, for the office of county school superintendent, in whose behalf he is petitioned to do so in writing by not less than one hundred voters of the county qualified to vote for the superintendent. The petition must be filed in the office of the county clerk not more than sixty days nor less than forty-five days before the day of election. Each petition must be signed by the requisite number of qualified voters, and shall show the place of residence of each signer. No person shall sign more than one petition. The names of the candidates shall be rotated on the ballots according to the principle set forth in KRS 160.230 for candidates for the county board of education.

Section 5. The provisions of the general election laws shall, so far as applicable, apply to the conducting of elections for county school superintendent. The provisions of the primary election laws shall not apply.

Section 6. The county board of education shall fix the salary of the county school superintendent, prior to the time of his taking office, at not less than four thousand dollars per annum, to be paid in monthly installments.

Section 7. KRS 160.350 shall, after the effective date of this Act, apply only to superintendents of independent school districts, but the other provision of the school laws, relating to

the respective powers and duties of the boards of education and school superintendents, shall continue to apply to county school districts and superintendents.

Section 8. Section 161.721 of the Kentucky Revised Statutes is amended to read as follows:

The superintendent of a schools in an independent school district shall be eligible for continuing contract status when he meets all requirements prescribed in KRS 161.720 to 161.810 for continuing contracts for teachers.

By Mr. Wickliffe.

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

Said bill is as follows; viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All necessary record books and all necessary supplies, materials, paper, binders, chemicals and other photostatic supplies used in the preparation and making of such record books, required by the Circuit Court and County Court Clerks, shall be procured by the clerks upon the order of the court of which he is a clerk and shall be aid for by the county.

By Mr. Baer.

H. B. No. 53. AN ACT concerning certain changes in the provisions concerning the involuntary dissolution of private corporations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commor wealth of Kentucky:

Section 271.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) In receivership suits in which a liquidating receiver has been appointed by the court to liquidate the assets of the corporation, when the costs and expenses of such suit and all debts, obligations and liabilities of the corporation have been

paid and discharged and all of its remaining property and assets distributed to its shareholders, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts, and obligations, all the property and assets have been applied so far as they will go to their payment, the court may enter a decree dissolving the corporation, and upon such decree becoming final the existence of the corporation shall cease.

(2) A corporation may be dissolved by the decree of the circuit court of the county in which the registered office of the corporation is situated when it is made to appear that the corporation has an even number of directors who are equally divided respecting the management of its affairs, and that the voting shares of such corporation are equally divided into two independent ownerships or interests, and one-half thereof is owned or controlled by persons favoring the course or views of part of the directors and one-half is owned or controlled by persons favoring the course or views of other directors, or that the persons owning or controlling the voting shares are unable to agree on, or vote for, the election of a board of directors consisting of an uneven number. In any such case suit for the appointment of a receiver under Section 271.550, Kentucky Revised Statutes, shall be brought by the holders of shares entitling them to exercise one-half or more of the voting power of the corporation.

By Mr. Dressman.

H. B. No. 54. AN ACT relating to compensation of jurors.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(3) In courts inferior to the circuit court each juror shall be paid $1.50 for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for cases in excess of two.

By Mr. Henry.

H. B. No. 55. AN ACT concerning pay of jurors.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(2) When kept together over night in custody of the sheriff, petit jurors shall receive five dollars additional for each night they are kept together.

By Mr. Dressman.

H. B. No. 56. AN ACT relating to petty loan companies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No licensee shall demand or receive any written financial statement from any borrower as a condition for the making or renewing of a loan.

Section 2. Section 288.020 of the Kentucky Revised Statutes is amended to read as follows:

No person shall, without first obtaining a license from the director of banking, engage in the business of making loans in the amount or of the value of five hundred dollars or less at a greater rate of interest, or consideration therefor than six percent per annum.

Section 3. Section 288.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every licensee may lend any sum of money not exceeding five hundred dollars, and may charge, contract for, and receive thereon interest at a rate not exceeding two percent per month.

(2) No amount whatsoever shall be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal balances. The

maximum interest permitted on loans shall be computed on the basis of the number of days actually elapsed and for the purpose of such computations a month shall be any period of thirty consecutive days. In addition to the interest provided for in this section no further charge or amount whatsoever for any examination, service, brokerage, commission, expense, fee, or bonus or any other thing shall be directly or indirectly charged, contracted for, or received, except the lawful fees actually and necessarily paid out by the licensee to any public official for filing or recording in any public office any instrument securing the loan.

(3) No licensee shall induce or permit any borrower to split up or divide any loan nor permit any one borrower or any husband or wife individually or together to become indebted to him under more than one contract of loan at the same time if the actual amount of the indebtedness on any one of such contracts is in the amount or of the value of five hundred dollars or less and there is charged, contracted for, or received thereon, directly or indirectly, by any device, subterfuge, or pretense whatsoever, any interest, or consideration therefor greater than six percent per annum.

(4) No licensee shall directly or indirectly charge, contract for or receive any interest or consideration greater than six percent per annum upon any loan in the amount or of the value of more than five hundred dollars, or in any case in which the licensee permits any individual as borrower, endorser, guarantor, or surety for any borrower, or othewise, to owe directly or contingently, or both, to the licensee at any time the sum of more than five hundred dollars for principal.

Section 4. Section 288.160 of the Kentucky Revised Statutes is amended to read as follows:

No person, except as authorized by this chapter and by KRS 290.200 shall, directly or indirectly, by any device, subterfuge, or pretense whatsoever charge, contract for or receive, or participate, as agent, broker or in any other capacity, in charging, contracting for or receiving, any interest, discount, or consideration greater than six percent per annum upon any loan in the amount or of the value of five hundred dollars or less.

Section 5. Section 288.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any loan in the amount or of the value of five hundred dollars or less for which there has been charged, contracted for, or received a greater rate of interest, or consideration than licensees are permitted to charge, contract for, or receive under this chapter is against the public policy of this state.

(2) No such loan made outside shall be enforced in the state and every person participating therein in the state shall be subject to the provisions of this chapter.

(3) This section does not apply to loans legally made in any state having a small loan law, similar to this chapter, at the time the loan is made.

Section 6. Section 288.230 of the Kentucky Revised Statutes is amended to read as follows:

The payment of five hundred dollars or less in money, credit, goods, or things in action, as consideration for any sale, assignment, or order for the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, shall be deemed for the purposes of regulation under this chapter, a loan secured by such assignment, and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall be deemed for the purposes of regulation under this chapter interest or charges upon such loan from the date of payment to the date such compensation is payable. Such transaction shall be governed by and subject to the provisions of this chapter.

Section 7. Section 288.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person or any officer or agent of any organization who violates any of the provisions of KRS 288.020, 288.090, 288.140, 288.150, 288.160, 288.180, 288.190, 288.200, 288.210, 288.220, 288.250, 28.260 or section 1 of this Act shall be fined not more than three hundred dollars or imprisoned for not more than six months, or both.

By Mr. Friedlander and Mrs. Stovall.

H. B. No. 57. AN ACT relating to exemption of property from execution, attachment, garnishment, distress or fee-bill.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 427.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following property of a person with a family, resident in this state is exempt from execution, attachment, distress or fee-bill:

(a) All household furnishing sufficient for family use; all family wearing apparel; all family portraits and pictures; all books of education, religion, reference and of general or specific information; one radio or equivalent communication receiving instrument of value of not more than $50.00, sewing machine, washing machine and such refrigeration machinery and equipment in use at the time of the claiming of exemptions.

(b) Such farm implements, farm machinery, livestock, with sufficient provender for one year for all livestock on hand, poultry, tools, horse and wagon or equivalent, such as an automobile or truck, as are essential to carry on the occupation, trade, business, provided however, such horse and wagon, automobile or truck must be an essential implement in occupation, business, or labor engaged in by the claimant at the time of the claiming of exemptions or at the time of execution, attachment, garnishment, distrain, fee-bill or levy thereof; provided however, such farm implements, farm machinery, livestock, poultry, tools, horse and wagon or equivalent automobile or truck selected and claimed under this section shall not exceed twelve hundred and fifty dollars in value as a whole so selected.

(2) Of the salary, wages, or income of every such person, when earned by labor or services of any kind, the following amounts and percentages thereof shall be exempt from execution, attachment, granishment, distress warrant, or fee-bill or levy:

1. When the debtor is paid by the week and the earnings at the time of the levy of the attachment, execution, granishment, distress warrant, or fee-bill do not exceed twenty-five dollars the entire amount earned shall be exempt; when however, the earnings at such time exceed twenty-five dollars, the twenty-five dollars and fifty percent of the excess earned above that sum shall be exempt, not exceeding a total of thirty-five dollars for any one week.

2. When the debtor is paid bi-weekly or semi-monthly, and the earnings at the time of the levy of the execution, attachment, garnishment, distress warrant or fee-bill do not exceed fifty dollars, the entire amount earned shall be exempt; when, however, the earnings at such time exceed fifty dollars, then fifty dollars and fifty percent of the excess earned above that sum, shall be exempt, not exceeding a total of seventy dollars for any bi-weekly or semi-monthly period.

3. When the debtor is paid by the month, and the earnings at the time of the service of the execution, attachment, garnishment, distress warrant or fee-bill do not exceed one hundred dollars, the entire amount shall be exempt, however, when the earnings at such time, exceed one hundred dollars, then one hundred dollars and fifty percent of the excess earned above that amount, shall be exempt, not exceeding a total of one hundred thirty dollars for any one month.

(a) The lien created by the issuance and levy of an execution, attachment, garnishment, distress or fee-bill shall only apply to that portion of the earnings which is in excess of the sums hereinabove declared exempt.

(b) As used herein:

1. "Week" means the day of the service or levy and not exceeding six consecutive days next preceding;

2. "Bi-weekly" and "semi-monthly" means the day of the levy and not exceeding fourteen days next preceding;

3. "Month" means day of levy and not exceeding twenty-nine days next preceding;

4. "Person with a family" means a person with one or

more dependents wholly dependent upon such person for care and support;

5. "Dependents" means any natural or foster child under the age of twenty-one years and includes parents or spouse who are actually living with said person and dependent upon him.

(3) The specific amounts of salary, wages or income exempt from execution, attachment, garnishment, distress warrant or fee-bill under the provisions of subsection (2) shall also be exempt when earned by a person who does not have a family, or by a person with a family who has a working and earning spouse living with him, however, the percentage exemptions for salary, wages or income in excess of the specific amounts set out in subsection (2) shall not be applicable to such persons.

(4) The libraries of all ministers of the Gospel, the professional libraries and office equipment of attorneys, and the professional libraries, office equipment and instruments of physicians, surgeons, dentists, and other recognized and licensed professions not exceeding one thousand dollars in total value are exempt from execution, attachment, distress for rent, or fee-bill. Ministers, attorneys, physicians and surgeons shall be entitled to the exemption of one motor vehicle, provided such motor vehicle is used in connection with and in the furtherance of the practice of their profession. Members of the General Assembly of the Commonwealth of Kentucky, during their term of office, shall be classified as professional persons and shall be entitled to the exemptions set forth in this section during such term.

Section 2. Section 427.020 of the Kentucky: Revised Statutes is amended to read as follows:

If the officer making the levy believes that the property selected as exempt under the provisions of paragraph (b) of subsection (1) and under subsection (4) of KRS 427.010 is in excess of the value allowed therein, or if the plaintiff in the writ levied by the officer demands, the officer shall have the selected property appraised by two disinterested housekeepers of the county, one to be chosen by the officer and the other

by the defendant, and in case of disagreement, the two shall chose a third. The appraisors shall be sworn by the officer to perform the duties of appraisors as required by law in the appraisement of real estate, to be sold under execution. When it appears by the appraisement that the value of the property selected under the provisions of paragraph (b) of subsection (1) and under subsection (4) of KRS 427.010 exceeds the value allowed therein, the defendant shall a reasonable opportunity to modify his selection, and upon his refusal or failure to do so, the officer shall set apart as exempt property to the value allowed, and shall sell the excess in acordance with the instructions of the process under which the levy was made.

Section 3. Section 427.030 of the Kentucky Revised Statutes is repealed.

Section 4. The provisions of this Act shall apply only in actions brought upon contracts entered into after the effective date of this Act, and no provision hereof shall be construed to make it retroactive in effect.

By Mr. Maglinger.

H. B. No. 58. AN ACT relating to zoning and planning in cities of the second class and in counties containing such a city.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The lawful use of land for trade, industry or residence, in cities of the second class and in counties containing such a city, existing at the time of the adoption of any zoning regulation or restriction, or at the time of the adjustment or revision thereof, or amendment thereto, although such use does not conform to the provisions of such new regulations or restrictions, may be continued.

Section 2. The use of a building or structure existing at the time of the adoption of any zoning regulation or restriction, or at the time of any adjustment or revision thereof or amendment thereto, although such use does not conform to the pro-

visions of such new regulations or restrictions, may be continued, and a nonconforming use of the building or structure may be changed to another nonconforming use of the same or more restricted classification.

By Mr. Maglinger, Morgan and Duncan.

H. B. No. 59. AN ACT relating to policemen's and firemen's pension funds in cities of the second and third classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.550 of the Kentucky Revised Statutes is amended to read as follows:

(1) The pensions or benefits paid for disability or death from the policemen's and firemen's pension fund in cities of the second and third classes shall be as follows:

(a) If any member of the police or fire department becomes temporarily totaly disabled, physically or mentally while in the performance of duty and by reason of service in the department, the board of trustees of the pension fund shall order paid to him monthly, during his disability but not longer than one year, a sum of not more than sixty dollars per month, the amount to be determined by the board. This provision shall not apply if a salary is paid during the same period.

(b) If any member of the police or fire department becomes permanently disabled, physically or mentally, while in the performance of duty and by reason of service in the department, so as to render necessary his retirement from service in the department, the board of trustees shall retire him from service and order paid to him monthly fifty percent of his monthly salary at the time of his retirement.

(c) If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in the service from any cause as a result of his service in the department, or dies in service or while on the retired list from any cause after fifteen consecu-

tive years of service in the department, and leaves a widow or a child under eighteen years of age the board of trustees shall order a pension paid to the widow or child. There shall be paid monthly to the widow, while unmarried, a pension of fifty dollars, and for each child until it reaches the age of eighteen years fifteen dollars. If the deceased member was unmarried and childless, a pension shall be paid to his dependent father and mother of fifty dollars per month. If one parent is dead, the other shall receive the entire fifty dollars, and if both are living, each shall receive twenty-five dollars.

(2) No person shall receive a pension from the policemen's and firemen's pension fund except as provided in this section.

(3) Any widow, child or dependent parent receiving a pension under the provisions of this section on the effective date of this Act shall be entitled, on all future pension payments, to the increase benefits provided herein.

By Mr. Ruh.

H. B. No. 60. AN ACT relating to the licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Owners of motor vehicles who are residents of this state and who hold an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, upon application each licensing year, accompanied by proof of ownership of such amateur radio station license, and upon complying with all other laws of this state relating to registration and licensing of motor vehicles, and upon the payment of an additional license fee of one dollars, shall be issued an additional license plate upon which shall be inscribed, in lieu of the usual number, the official amateur radio call letters of such applicant as assigned by the Federal Communications Commisison, and the year for which the plate is issued. Any person purchasing a license plate under the provisions of this Act shall be authorized to attach both plates to the vehicle with

the plate bearing the radio call letters being the outside or covering plate. Upon the sale or transfer of any vehicle bearing such plates, the owner may remove and retain the cover plate for use on any other motor vehicle.

Section 2. For services performed, the county clerk shall receive from each applicant, in addition to the regular registration fee, the sum of fifty cents for each registration under this Act.

By Mr. Vance and Kearby.

H. B. No. 61. AN ACT relating to the establishment of a Kentucky Legislative Crime Investigating Committee, providing for the membership thereof, the qualifications of such members, vacancies, tenure of office, powers and duties, providing for members: Compensation and expenses and for the expenses necessary for the functioning of the Committee, and appropriating the funds therefor and providing for the enforcement thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created a legislative crime investigating committee, to be known as "The Kentucky Legislative Crime Investigating Committee." Said committee shall be composed of eight members. The qualifications of said members of the committee are as follows:

They shall at the time of their appointment be a duly elected and acting member of the General Assembly of the Commonwealth of Kentucky. Four of the members of said committee shall be selected and appointed from the Senate of the General Assembly of the Commonwealth of Kentucky by the president of the Senate. Four of the members of said committee shall be selected and appointed from the House of Representatives of the General Assembly of the Commonwealth of Kentucky by the Speaker of the House of Representatives. The members of said committe selected and appointed from the Senate shall consist of two persons from the majority party and two from the minority party. The mem-

bers of the said committee selected and appointed from the House of Representatives shall consist of two persons from the majority party and two from the minority party.

Section 2. Any vacancies in the committee shall be filled by the remaining members thereof, provided, if the vacancy is in the membership of the House of Representatives then the successor shall be from the House, and if the vacancy is from the Senate membership of the Committee then the successor shall be from the Senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor.

Section 3. The tenure of office of the members of said committee shall be from the time of their appointment until the next regular session of the General Assembly, thereafter a new committee membership shall be appointed which shall serve for tenure of two years.

The members shall be appointed by the President of the Senate and Speaker of the House of Representatives within ten (10) days after the effective date of this act. Such appointment shall not require the approval of either legislative body of the General Assembly of the Commonwealth of Kentucky.

Section 4. The Kentucky Legislative Crime Investigating Committee shall meet during regular and special sessions of the General Assembly and during the intervals between said sessions at such times and places in Kentucky as the Committee may determine. Meetings of the Committee shall be called by the Chairman on his own initiative, or at the written request of any three members of the Committee. For attending meetings between sessions, whether regular or special, of the General Assembly, the members of the Committee, or any sub-committee thereof, shall be paid their necessary traveling expenses, and per diem subsistence unless such meeting shall be held at a place of which a member is a resident, in which event such member would not be entitled to draw any traveling expenses or subsistence. For any meetings held when the General Assembly of the Commonwealth of Kentucky is in regular or special session such member shall draw a per diem in addition to the per diem that he now draws as a member for their ser-

vices in the General Assembly of the Commonwealth of Kentucky of $5.00 per day and at a time when the General Assembly of the Commonwealth of Kentucky is not in special or regular session, for the called meetings herein provided the members shall be paid a per diem of $25.00 per day.

Section 5. Once the committee is called in session in the manner herein provided it shall remain in session until adjourned by a majority vote of the members present.

Section 6. Five members of said committee shall constitute a quorum.

Section 7. The chairman of said committee shall be elected at the first meeting of said committee and one of said committee shall be elected as secretary but both the chairman and secretary of said committee shall be allowed to vote on all matters.

Section 8. The committee shall have the power and authority to employ an attorney, whenever needed, from time to time but such compensation for said attorney shall not exceed $50.00 per day plus his traveling expenses and subsistence.

Section 9. The committee shall select such employees as may be necessary from time to time to effectuate the provisions of this Act and they shall serve at the pleasure of the Committee. None of the provisions of Sections 42.110, 42.120 and 42.130 of the Kentucky Revised Statutes shall be applicable to the employees or employment or attorney herein provided for. The chairman shall with the approval of the committee provide for the allocation of the work and activities of all employees of the Committee.

Section 10. The Kentucky Legislative Crime Investigating Committee is hereby empowered and is instructed by the General Assembly of the Commonwealth of Kentucky for the purpose of obtaining information for legislation to investigate crime in Kentucky and investigate waste, fraud, unethical practices and corruption, if any, in any department, branch, board, commission, political sub-division or agency authorized by laws of the Commonwealth of Kentucky.

It is further authorized to investigate whether any official whether elected or appointed of the Commonwealth of Kentucky or officer or official in any municipality, county or any political sub-division of the Commonwealth of Kentucky is directly or indirectly interested financially or otherwise in any individual, partnership or corporation contracting with the Commonwealth of Kentucky or functioning in the Commonwealth of Kentucky under or by virtue of any license, permit or certificate which by law may be granted or denied by the Commonwealth of Kentucky or any agency thereof.

It is not the intention of the General Assembly of the Commonwealth of Kentucky for this act to impair or alter the power or authority now vested in the duly elected or appointed officials of the Commonwealth of Kentucky if such power and authority at the time of the enactment of this act are vested in those officials and officers by statute or the Constitution of the Commonwealth of Kentucky.

Section 11. (a) The Kentucky Legislative Crime Investigating Committee shall have the power and authority by and through its chairman with the approval of the maority of the Committee present to issue a subpoena for any resident of the Commonwealth of Kentucky and any non-resident of the Commonwealth of Kentucky provided service can be had upon him by any officer authorized to serve subpoena within the boundaries of the Commonwealth of Kentucky. Such subpoena shall be drawn up in the same manner and form as a subpoena for a witness in any Circuit Court of this Commonwealth and may be directed to any peace officer, constable or sheriff of any county in which such person to be subpoenaed resides or may be found. Such subpoena may be served on any day or night excepting Sunday and may be served on Sunday if the Chairman of said committee so directs or if in the opinion of the officer to whom such subpoena is delivered such person to be subpoened will absent himself from the jurisdiction of such officer.

(b) Any person duly subpoened as a witness shall appear at the time and place set forth in the subpoena and shall be amenable to the orders of said committee until discharged by

the chairman of said committee with the approval of the majority of the members of the committee present and voting. Such person duly subpoenaed and complying therewith shall be allowed the same per diem and mileage as now fixed by law for witnesses subpoenaed in Circuit Courts.

(c) In the event of the illness of any witness subpoenaed he may furnish a certificate of a qualified and reputable physician to such effect and the committee in its opinion may accept or reject such excuse for non-attendance or may in its opinion designate a sub-committee to take the deposition and testimony of said witness at his residence or where he may be confined.

(d) In the event such person desired as a witness by the committee should be imprisoned in the Commonwealth of Kentucky such person shall be produced by the officer having custody of such person upon order of the Chairman of the committee with the approval of a majority of the committee present and voting at the time. Such officer shall be allowed a mileage and subsistence as now provided by law for the transportation of persons by officers having them in custody.

(e) In the event any person shall fail to comply and answer said subpoena he may be by a majority vote of the committee present and voting declared in contempt of the committee and such contempt shall be certified by the committee to the Judge of the Circuit Court of any Judicial District in which said contempt shall occur and such Circuit Judge shall cite such person to show cause why he should not be punished for contempt of the Kentucky Legislative Crime Investigating Committee.

(f) Any person appearing before said committee under subpoena shall possess the constitutional right to refuse to answer any question propounded to him by the attorney for said committee or any member of said committee provided he states under oath that the answer to such question would tend to incriminate him. Such immunity from answering questions shall only apply to each separate question and not to the witnesses testimony in its entirety. Failure of a witness not claiming immunity to answer any question asked said question shall make him guilty of contempt of said committee and such

contempt shall be certified by the committee to the Judge of the Circuit Court of any Judicial District in which said contempt shall occur and such Circuit Judge shall cite such person to show cause why he would not be punished for contempt of the Kentucky Legislative Crime Investigating Committee.

Section 12. When a person is found guilty of contempt of said committee by a Circuit Judge it shall be deemed a misdemeanor and his punishment shall be fixed at not less than $500.00 nor more than $10,000.00 and/or at confinement in the County Jail wherein the contempt was committed not less than 30 days nor more than 12 months.

Section 13. The committee shall have the power to administer oath to any person subpoenaed before it as a witness and such person shall be sworn by the chairman, if present, or if the chairman be absent by any member acting in his place.

Section 14. The members of said committee shall be subject to subpoena of any grand jury in the Commonwealth of Kentucky.

Section 15. In the discretion of the committee it may make a written report to the Attorney General of the Commonwealth of Kentucky and/or the Commonwealth's Attorney of any Judicial District in Kentucky and/or the County Attorney of any county in Kentucky and/or to the foreman of any Grand Jury in any county in Kentucky wherein the offense is alleged to have been committed by any person citizen or official or officer of a corporation.

Section 16. Each member of said committee after being duly appointed and selected as provided by section one of this act shall be administered the oath required by any Judicial Officer in the Commonwealth of Kentucky by any person qualified to administer the oath.

Section 17. There is hereby appropriated for the fiscal year beginning July 1, 1952 and ending June 30, 1953 the sum of $50,000.00, and there is herby appropriated for the fiscal year beginning July 1, 1953 and ending June 30, 1952 the sum of $50,000.00 to cover the expenses of said committee and such

expenses shall be paid for by the Treasurer of the Commonwealth of Kentucky and drawn on in the same manner as is now provided by law under Kentucky Revised Statutes Chapter 42.

Section 18. In the event of an emergency requiring more expenditures, the Governor under the power now invested in him by law shall have the power to increase such appropriation from his emergency fund.

Section 19. Office space for the committee, its employees, or sub-committees shall when the General Assembly is not in session consist of the House and Senate Chambers in the State Capitol Building, and all rooms used by the General Assembly while in session. The committee may provide for such office space as it may deem necessary.

Section 20. It shall be the duty of the Kentucky Legislative Crime Investigating Committee to contact federal authorities to obtain all available information possible for use by the said committee which pertains to crime in politics or crime in Government in Kentucky.

Section 21. The Kentucky Legislative Crime Investigating Committee shall whenever it deems necessary report by majority and/or minority reports to the Governor and the Attorney General any evidence which it may acquire as a result of its investigation and/or hearings of any waste, fraud, unethical practice or corruption by any agency, board, department, commission, official or any employee in the Commonwealth of Kentucky or any political sub-division thereof.

Section 22. The Kentucky Legislative Crime Investigating Committee shall make a full and complete report of all its meetings and hearings at any special session of the General Assembly during their tenure and to the next regular session of the General Assembly of Kentucky.

Section 23. The committee shall have the same power as circuit courts now have by law to issue a subpoena duces tecum through its chairman by and with the approval of a majority of the members present and voting.

Section 24. The Kentucky Legislative Crime Investigating Committee shall in its reports to the General Assembly of the Commonwealth of Kentucky recommend, advise and furnish facts to support corrective legislation to prevent crime in Kentucky, crime in politics in Kentucky, waste, fraud, unethical practices and corruption, if any, in the Commonwealth of Kentucky.

Section 25. All laws or parts of laws in conflict herewith are hereby repealed.

Section 26. If any phrase, sentence, paragraph or section or sub-section of this act shall be construed by the Courts of the Commonwealth of Kentucky to be unconstitutional it shall not affect the remainder of this act, it being hereby declared that it is the intention of the legislature to enact such legislation without the unconstitutional parts if any.

By Mr. Lowman.

H. B. No. 62. AN ACT relating to narcotic drugs, amending section 218.210 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 218.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who sells, supplies, prescribes, administers, dispenses or furnishes, or causes to be sold, supplied, prescribed, administered, dispensed or furnished, any narcotic drug in violation of this chapter to a person under twenty-one years of age, shall be guilty of a felony and shall be fined not more than five thousand dollars and confined in the penitentiary for not less than twenty years, and may be so confined for a longer period or for life.

(2) Any person who violates any provision of this chapter, for which a specific penalty is not otherwise provided, except KRS 218.250, shall be guilty of a felony and shall, for the first offense, be punished by confinement in the penitentiary for not less than two years nor more than five years or by a fine of

not less than one thousand dollars nor more than five thousand dollars, or both, and, for each subsequent offense, be punished by confinement in the penitentiary for not less than five years nor more than twenty years, and by a fine of not more than five thousand dollars.

(3) No court or judge thereof, shall, pursuant to KRS 439.020 to 439.060 or otherwise, postpone or suspend judgment or sentence or probate a defendant when the defendent has pleaded guilty to or been convicted of selling, supplying, prescribing, administering, dispensing or furnishing, or causing to be sold, supplied, prescribed, administered, dispensed or furnished, any narcotic drug in violation of this chapter to a person under twenty-one years of age, or when the defendant has previously pleaded guilty to or been conviced of a violation of any of the other provisions of this chapter, except KRS 218.250, or has previously pleaded guilty to or been convicted of a violation of any of the narcotic laws of the United States of America or any state or territory thereof.

(4) Whenever a person charged with a violation of subsection (1) of KRS 218.250 waives a jury, the court or judge thereof may, upon the defendant pleading or being found guilty, sentence the defendant to imprison- for any period of time not exceeding twelve months without the intervention of a jury. Notwithstanding the provisions of subsection (2) of KRS 218.250, no court or judge thereof shall, pursuant to KRS 439.020 to 439.060 or otherwise, postpone or suspend judgment or sentence or probate a defendant when the defendant has pleaded guilty to or been convicted of a violation of KRS 218.250 unless the defendant consents to enter and forthwith enters an institution approved by the court for the treatment of narcotic addicts and remains therein until discharged by said institution; failure of the defendant to do so shall automatically revoke his probation and require the prompt entry of judgment and service of sentence in the county jail.

By Mr. Wathen.

H. B. No. 63. AN ACT relating to actions for libel or slander amending section 411.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 411.050 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) (a) In any action for damages for the publication of a defamatory statement in a daily or other newspaper, or by a visual or sound radio broadcast, the plaintiff shall recover no more than special damages unless he shall allege and prove that he made a sufficient demand for correction and that the newspaper, or the radio or television broadcasting station, failed to make conspicuous and timely publication of said correction.

(b) A "sufficient demand for correction" is a demand for correction which is in writing; which is signed by the plaintiff or his duly authorized attorney or agent; which specifies the statement or statements claimed to be false and defamatory, states wherein they are false, and sets forth the true facts; and which is delivered to the defendant prior to the commencement of the action.

(c) A "correction" is either (i) the publication of an acknowledgement that the statement or statements specified as false and defamatory in the plaintiff's demand for correction are erroneous, or (ii) the publication of the plaintiff's statement of the true facts (as set forth in his demand for correction) or a fair summary thereof, exclusive of any portions thereof which are defamatory of another, obscene, or otherwise improper for publication. If the demand for correction has specified two or more statements as false and defamatory, the correction may deal with some of such statements pursuant to (i) above and with other of such statements pursuant to (ii) above.

(d) A "conspicuous publication" in a newspaper is a publication which is printed in substantially as conspicuous a manner as the statement or statements specified as false and defamatory in the demand for correction; and for this purpose the Sunday and daily issues of a newspaper shall be deemed equivalent. A "conspicuous publication" in a visual or sound radio broadcast is a publication which is broadcast at substantially the same

time of day, and with the same sending power, as the statement or statements specified as false and defamatory in the demand for correction. A publication in a particular manner which is agreeable to the plaintiff shall in any event be deemed "conspicuous."

(e) A "timely publication" in a daily newspaper is a publication within three business days after the day on which a sufficient demand for correction is received by the defendant. A "timely publication" in a newspaper other than a daily newspaper is a publication in or prior to the next regular issue which is published not less than three business days after the day on which a sufficient demand for correction is received by the defendant. For this purpose the Sunday and daily issues of a newspaper shall be deemed equivalent. A "timely publication" in a visual or sound radio broadcast is a publication within three business days after the day on which a sufficient demand for correction is received by the defendant. A "business day" is any day other than a Sunday or legal holiday. A publication in a particular issue or on a particular day which is agreeable to the plaintiff shall in any event be deemed "timely."

(f) "Special damages" are pecuniary damages which the plaintiff alleges and proves that he has suffered in respect to his property, business, trade, profession, or occupation (including such amounts of money as the plaintiff alleges and proves he has expended as a proximate result of the alleged defamation), and no other.

(2) If in any action for damages for the publication of a defamatory statement on a visual or sound radio broadcast, the defendant proves that said defamatory statement has been uttered by one other than the owner, licensee, or operator of the broadcasting station or one acting as the agent or employee of said owner, licensee or operator, the action shall be dismissed unless the plaintiff shall allege and prove that such owner, licensee, operator, agent or employee has failed to exercise due care to prevent the publication of said statement in said broadcast; provided, however, that in no event shall the owner, operator or licensee of a radio or television broadcasting station, or one acting as the agent or employee of such owner, operator or

licensee, be held liable for the utterance of a defamatory statement in a visual or sound radio broadcast over the facilities of such station by any person speaking as a legally qualified candidate for public office.

By Mr. Wathen.

H. B. No. 64. AN ACT relating to disclosure of sources of information published by newspapers, radio and television stations amending section 421.100 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 421.100 of the Kentucky Revised Statutes is hereby amended to read as follows:

No person shall be compelled to disclose in any legal proceeding or trial before any court, or before any grand or petit jury, or before the presiding officer of any tribunal, or his agent or agents, or before the General Assembly, or any committee thereof, or before any city or county legislative body, or any committee thereof, or elsewhere, the source of any information procured or obtained by him, and published in a newspaper or by a radio or television broadcasting station by which he is engaged or employed, or with which he is connected.

By Mr. Henry.

H. B. No. 65. AN ACT concerning clerks and treasurers of cities of the fourth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 86.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mayor, or in his absence the mayor pro tem, shall be chairman of the city council. The council may, by ordinance, confer the function of clerk of the council upon the treasurer to be performed in addition to the duties prescribed by KRS 92.060.

If said function is not conferred upon the treasurer, a clerk of the council shall be elected by the council or by the voters if so prescribed by an ordinance enacted not less than sixty days before any general election.

By Mr. Henry.

H. B. No. 66. AN ACT concerning inheritance taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 140.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be free from any tax under the preceding provisions of this chapter the following inheritable interests:

(a) Wife or infant child by blood or a child by blood who has been declared incompetent by a court of competent jurisdiction, $30,000;

(b) All other persons of Class A, under KRS 140.070, $5,000;

(c) All persons of Class B, under KRS 140.070, $1,000; and

(d) All persons of Class C, under KRS 140.070, $500.

By Mr. Cornett.

H. B. No. 67. AN ACT relating to observance of Sunday.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsections (1), (2) and (3) of section 436.160 of the Kentucky Revised Statutes are repealed.

By Mr. Horn.

H. B. No. 68. AN ACT to repeal, amend and re-enact Section 382.300, Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 382.300, Kentucky Revised Statutes, be repealed, amended so as to add the following section (2) and re-enacted, so that same, when re-enacted, shall read as follows:

(1) Every county clerk shall record all deeds, mortgages and powers of attorney that are lodged for record, properly certified, or that are acknowledged or proved before him as required by law. He shall also record the certificates endorsed on such instrument, and shall certify the time when the instrument was lodged in his office for record. If acknowledged or proved before him, he shall also certify the time of acknowledgment or proof, and by whom proved, and that the instrument and the certificate thereon have been duly recorded in his office.

(2) Whenever, either heretofore or hereafter, any recordable instrument of writing bearing the certificate of the clerk showing its recording shall have been copied of record by any photographic, photocopying, or other mechanical process for reproducing on the record the instrument and certificate, the clerk's signature, by either the clerk or his deputy, so reproduced with such certificate shall have the same effect as if subscribed by the clerk on the record.

By Mr. Lowman.

H. B. No. 69. AN ACT relating to income taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 141.020 of the Kentucky Revised Statutes is amended to read as follows:

An annual tax shall be paid for each taxable year by every resident individual of this state, upon his entire net income as defined in this chapter for purposes of taxation, at the following rates, less the tax credits as authorized by KRS 141.060:

(a) Two per cent of the amount of net income not exceeding three thousand dollars,

(b) Three per cent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars.

(c) Four per cent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars.

(d) Five per cent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars.

(e) Six per cent of the amount of net income in excess of eight thousand dollars.

Section 2. Section 141.040 of the Kentucky Revised Statutes is amended to read as follows:

Every corporation organized under the laws of this state and every foreign corporation doing business in this state, or deriving income from activities or other sources in this state, except state and national banks and trust companies, building and loan associations organized under the laws of this state and under the laws of this state and under the laws of the United States and making loans to members only, insurance companies, including farmers' or other mutual hail, cyclone, windstorm or fire insurance companies, insurers and reciprocal underwriters, and religious, educational, charitable and other corporations not organized or conducted for pecuniary profit, shall pay for each taxable year a tax to be computed by the Department of Revenue upon the entire net income of the corporation derived from business done, property located, activities or sources in this state. This tax shall be at the rate of four and one-half per cent of the entire net income of the corporation, or the portion thereof taxable within this state, determined as provided in this chapter.

Section 3. Section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The taxes due as computed under the provisions of KRS 141.020 or under the provisions of KRS 141.025 shall be credited with the following amounts:

(a) Twenty dollars, in the case of an unmarried individual;

(b) Forty dollars, in the case of a married individual, living with husband or wife and in the case of a head of a family. If

such husband and wife make separate returns, the tax credit allowed by this subsection may be taken by either or divided between them;

(c) Ten dollars for each person, other than husband or wife, or the first dependent of a head of a family, dependent upon and receiving more than fifty per cent of his support from the taxpayer during the taxable year for which the return is filed, if the dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

Section 4. Section 141.180 of the Kentucky Revised Statutes is amended and reinacted to read as follows:

(1) Every individual having for the taxable year a net income of one thousand dollars or over or a gross income of fifteen hundred dollars or over, if single, or if married and not living with husband or wife; and every married individual living with husband or wife whose net income combined with net income of his or her spouse exceeds two thousand dollars, or whose gross income combined with the gross income of his or her spouse exceeds twenty-five hundred dollars, shall make to the Department of Revenue a return stating specifically the items which he claims as deductions and tax credits allowed by this chapter. If the individual is unable to make his own return, the return shall be made by a duly authorized agent.

(2) A husband and wife not living together shall make separate returns. A husband and wife living together may make a joint return, or may make separate returns.

(3) An optional return properly filed under the provisions of KRS 141.025 shall be deemed sufficient to satisfy the provisions of this section.

(4) Each individual return shall be verified by a written declaration that it is made under the penalties of perjury.

Section 5. The provisions of this act shall be effective with respect to individuals and corporations reporting under the provisions of Chapter 141 of the Kentucky Revised Statutes on a calendar year basis beginning January 1, 1952, and with respect

to individuals and corporations reporting on a fiscal year basis with the first fiscal year that begins on or after January 1, 1952.

Section 6. Sections 141.250, 141.260 and 141.270, of the Kentucky Revised Statutes are hereby repealed.

By Mr. Calvert.

H. B. No. 70. AN ACT relating to fertilizer.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 250.370 of the Kentucky Revised Statutes is amended to read as follows:

Every quantity of commercial fertilizer in any shape or form whatever, sold, offered or exposed for sale in this state, shall be labeled in a conspicuous place on the container or, if sold in bulk, accompanied by a written or printed statement as required by KRS 250.400.

Section 2. Section 250.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) The information required by KRS 250.400 to be attached to container or accompany the selling or offering or exposing for sale of commercial fertilizers in this state shall be accepted as the guarantee of the manufacturer, dealer or agent that the fertilizer contains the kinds and amounts of essential ingredients printed on the label.

(2) No person shall fraudulently misrepresent any of the information required by KRS 250.400 to accompany every sale, offer or exposure for sale of commercial fertilizer.

(3) Any person who violates any of the provisions of subsection (2) shall, in addition to the criminal penalty, be liable for reasonable damages sustained by the purchaser of the fertilizer.

(4) A deficiency of one-fourth of one per cent in any of the essential ingredients shall not be considered evidence of fraudulent intent.

Section 3. Section 250.390 of the Kentucky Revised Statutes is amended to read as follows:

In each year, before any person shall sell, offer or expose for sale in this state any commercial fertilizer, he shall furnish to the director an affidavit, in such form and manner as the director prescribes, stating the name and address of the manufacturer, the name of the fertilizer, the number of net pounds in each container to be used and, in terms approved by the director, the minimum percentage of the essential ingredients guaranteed.

Section 4. Section 250.400 of the Kentucky Revised Statutes is amended to read as follows:

The director, upon receipt of the affidavit provided for in KRS 250.390, shall give the registrar permission to sell said fertilizer in the State of Kentucky, provided that the manufacturer either attach a label to each container, or print directly on the container the information required in KRS 250.390, or, in the case of bulk fertilizer, deliver to the purchaser a written or printed statement setting out the total weight and the information required by KRS 250.390.

Section 5. Section 250.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) A fee of fifty cents shall be paid to the Kentucky Agricultural Experiment Station for each ton of commercial fertilizer sold in this state or brought into this state for consumption herein for agricultural purposes. This fee shall be paid only once on each ton of fertilizer and the manufacturer, dealer or agent introducing the fertilizer into the state shall be primarily liable therefor, however, any seller of the fertilizer may be required to pay the fee in the event it has not been collected theretofor.

(2) For the purpose of collecting the fee provided herein, every manufacturer or dealer primarily liable for the fee shall file, in such form as the director prescribes, a monthly, quarterly or semi-annual report, stating the number of net tons of commercial fertilizer introduced into the state during the period

covered. The manufacturer or dealer shall have the option of reporting on a monthly, quarterly or semi-annual basis. Reports shall be filed by and the inspection fee due and payable on the tenth of the month following the period covered. Companies reporting on the quarterly basis shall file their reports by the tenth of April, July, October and January. Companies reporting on a semi-annual basis shall file their reports by the tenth of July and January. The director is authorized to verify in such manner as he deems advisable the records upon which such reports are founded.

Section 6. Section 250.420 of the Kentucky Revised Statutes is amended to read as follows:

If the director believes that any fertilizer offered for sale is of no practical manurial value he shall refuse registration.

By Mr. Combest.

H. B. No. 71. AN ACT relating to local option with respect to the sale, barter or loan of alcoholic beverages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (4) of Section 242.030 of the Kentucky Revised Statutes is amended to read as follows:

(4) No election in any territory less than the county shall be held on the same day on which an election for the entire county is held.

Section 242.050 of the Kentucky Revised Statutes is amended to read as follows:

The proposition to be voted upon shall be stated on the ballot without emblems and two spaces shall be left upon the right side of the ballot, one for votes favoring the proposition, to be designated by the word "Yes," and one for votes opposing it, to be designated by the word "No." The voter shall designate his vote by a cross mark placed opposite the word "Yes" or the word "No." Whenever at the time of the election prohibition is not in force in the territory the form of the proposition may

be, "Are you in favor of adopting prohibition in (name of county, city, district or precinct)?" Whenever at the time of the election prohibition is in force in the territory the form of the proposition may be, "Are you in favor of continuing prohibition in effect in (name of county, city, district or precinct)?"

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) When an election is held in an entire county and the majority of votes cast at the election are for prohibition, KRS 242.210 to 242.430 shall be applicable to every portion of the county.

(2) If at the election for the entire county the majority of votes cast are against prohibition, the vote shall not make KRS 242.210 to 242.430 inapplicable in any territorial division of the county where prohibition has been previously adopted, and the status of that territorial division shall remain as if no election had been held.

Section 4. Section 242.125 of the Kentucky Revised Statutes is repealed.

By Mr. Lowman.

H. B. No. 72. AN ACT relating to births and deaths, amending section 213.150 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 213.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each local registrar shall be entitled to receive the sum of fifty cents, and each physician or midwife shall be entitled to receive the sum of twenty-five cents, for each birth certificate and for each death certificate properly and correctly filled out, signed, and registered with or reported by him and correctly copied and duly returned to the Division of Vital Statistics. In case no births or deaths are registered during any month, the local registrar shall be entitled to receive the sum of twenty-five

cents for each report to that effect promptly made in accordance with this chapter.

(2) All amounts payable to local registrars, physicians and midwives under this section, shall be paid by the treasurer of the county in which the registration district is located upon certification by the Division of Vital Statistics.

(3) The Division of Vital Statistics shall certify, at least annually to the treasurers of the several counties, the number of births and deaths registered together with the names of the local registrars, physicians and midwives entitled to fee prescribed by this section, and the amount due each at the rate fixed herein.

(4) No local registrar, physician, midwife, sexton or undertaker shall charge or collect from any member of a family in which a birth or death occurs, any fee for complying with the provisions of this chapter.

By Mr. Lowman.

H. B. No. 73. AN ACT relating to the Kentucky Water Pollution Control Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 220.600 of the Kentucky Revised Statutes is amended to read as follows:

220.600 WATER POLLUTION CONTROL COMMISSION; CREATION; MEMBERSHIP; COMPENSATION; ORGANIZATION; MEETINGS.

(1) For the purpose of carrying out the provisions of KRS 220.580 to 220.650, there is hereby created in the Department of Health a Water Pollution Control Commission.

(2) The Commission shall consist of the Commissioner of Health, the Commissioner of Conservation, the Attorney General, the Director of the Divison of Game and Fish, and two citizens of the Commonwealth to be appointed for terms of four years each, by the Governor, one of whom shall be selected from

groups representative of industrial management, and one from groups representative of municipalities. Vacancies shall be filled from the unexpired portion of any term in the same manner as an original appointment. Each of the officers of the Commonwealth hereby made a member of the commission may, by written order filed with the secretary of the commission, designate a deputy or other representative in his department to serve in his stead and to perform his duties as a member of the commission in his absence. Such designation shall be deemed temporary only and shall not affect the merit system or retirement rights of any person so designated.

(3) No salary or other compensation shall be allowed any member of the commission but each member may be reimbursed for actual and necessary expenses incurred in the performance of his official duties.

(4) *At its first regular meeting in each calendar year, the commission shall select a chairman and a vice chairman for the ensuing year. The commission may employ an executive director who shall serve as technical secretary and administrative agent of the Commission.*

During the interim between meetings, he shall perform in the name of the commisison such functions and duties and shall exercise such authority of the commission as the commission may by resolution delegate to him. The commission may employ such technical, stenographic, clerical and other assistance as may be required in order to carry out the provisions of KRS 220.580 to 220.650, may define their powers and duties and may fix their compensation which shall be paid out of the Treasury of the Commonwealth, out of appropriations available for that purpose, upon requisition of the commission.

(5) Technical, scientific, legal or other services required by the commission shall be performed, insofar as practicable, by personnel of the Department of Health, the Department of Conservation, the Division of Game and Fish and other state departments, without additional compensation, but the commission may employ such other personnel as may be necessary to carry out the provisions of KRS 220.580 to 220.650. The Commission may request and receive the assistance of any state or

municipal educational institution, experiment station, laboratory or other agency when it is deemed necessary or beneficial by the commisison to carry out the provisions of KRS 220.580 to 220.650. The Division of Game and Fish is authorized, out of its receipts, to make contributions to the commission for its program.

(6) The commission shall hold regular meetings at least once in every two months, the time and place of which shall be determined by the commission. Special meetings may be called by the chairman or by two members of the commission by delivery to the office of each member of the commission of a written notice thereof at least five days in advance of the date of any such meeting. Three members of the commission shall constitute a quorum at any meeting. The commission shall establish bylaws for the conduct of its meeting and shall keep an accurate record of all of its proceedings.

By Mr. Lowman.

H. B. No. 74. AN ACT relating to the Workman's Compensation Act authorizing the Tuberculosis Sanatoria Commission to elect to come under the provisions of the Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The State Tuberculosis Sanatoria Commission may elect coverage under the Workman's Compensation Laws for all employees under its control and supervision.

By Mr. Holbrook.

H. B. No. 75. AN ACT relating to alcoholic beverages, and to carry out the mandate contained in Sec. 61 of the Constitution with respect thereto.

Said bill is as follows, viz:

PREAMBLE

WHEREAS Section 61 of the Constitution of the Commonwealth of Kentucky provides that "The General Assembly

shall by general law, provide a means whereby the sense of the people of any county, city, town, district or precinct may be taken, as to whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned therein, or the sale thereof regulated"; and,

WHEREAS there has heretofore been enacted a law which now appears as K.R.S. Chapter 242 and which purportedly carries out the mandate of Sec. 61 of the Constitution but which is deficient in the following respects to-wit:

Precincts, towns, districts and cities have a right by independent vote to bring about prohibition within their own respective territorial limits even though they may have just participated in a county-wide or city-wide vote in which a majority of the votes were **against** prohibition; but the present law does not give these separate jurisdictions the corresponding right to determine their own status independently of a county-wide or city-wide vote if such county-wide or city-wide vote was **for** prohibition; and,

WHEREAS for the reasons above stated, K.R.S. does not fully carry out the mandate of Sec. 61 which says that each county, city, town, district or precinct shall be provided with a means whereby the people within that specific territory may decide for themselves, the question of whether or not alcoholic beverages shall be sold therein,

NOW THEREFORE, in order more fully to carry out the mandate contained in Sec. 61 of the Constitution,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. A new section is hereby added to K.R.S. Chapter 242 to be known as Sec. 242.126 and reading as follows:

§2. Regardless of the outcome of any election held pursuant to the provisions of this Chapter in any larger political subdivision, each precinct, district, town or city, within such larger political subdivision, shall have the right by a separate election, independent of the election held for the larger political subdivision, to determine within its own territorial limits whether

or not spirituous, vinous or malt liquors shall be sold, bartered or loaned therein or the sale thereof regulated; and once having held an independent election, the status of any territorial unit mentioned above shall not be changed by reason of the vote in an election held for a larger political subdivision of which it is a part.

§3. To the extent that any other provision contained in K.R.S. Chapter 242 is in conflict herewith, the same is hereby repealed.

By Mr. Lowman and Morgan.

H. B. No. 76. AN ACT relating to the compensation of county tax commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (6) of Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

The county tax commissioner shall not retain any part of the compensation allowed his deputies for more than thirty days, nor shall he receive for his personal services incident to any assessment more than $7,200. However, the maximum compensation for any county tax commissioner shall not exceed the highest salary approved by the fiscal court for any other county official.

By Mr. Morgan and Lowman.

H. B. No. 77. AN ACT relating to the compensation of county tax commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (4) of Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

In the year 1954 and thereafter, the compensation of the county tax commissioner shall be computed on the basis of ten

cents on each one hundred dollars of the first two million dollars and two cents on each one hundred dollars of the excess over two mililon dollars of the annual assessment. In counties in which the assessed value of property exceeds eight million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies and for other authorized expenditures two cents on each one hundred dollars of the property assessed in excess of eight million dollars but the total sum allowed to any county tax commissioner as deputy hire and for other authorized expenditures shall not exceed twenty thousand dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630.

By Mr. Morgan and Lowman.

H. B. No. 78. AN ACT relating to advance fees of circuit clerks, amending Section 64.036 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.030 of Kentucky Revised Statutes is amended to read as follows:

Unless the plaintiff has established his right to prosecute as a poor person under K. R. S. 453.190, each circuit clerk shall, when each original action commencing with original process in his respective court is filed, collect fifteen dollars and apply it as a credit on the clerk's cost accruing in such action or suit.

By Mr. Lowman.

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Dependent Child" means a child who is unable to provide for himself, or who does not otherwise have provided for him, a subsistence compatible with decency and health.

(2) "Association" means a recognized association, institution privately maintained, children's house or corporation, located within a second class city and which embraces within its purposes the care, guardianship and subsistence of dependent children."

Section 2. Each city of the second class is authorized to contribute, out of its general fund, a sum not to exceed $120.00 per annum for each dependent child living within and under the care, guardianship and subsistence of an association. The contribution for dependent children shall be known as "The Children's Relief" and shall be payable quarterly on the first day of March, June, September and December to the associations caring for the children.

Section 3. To be entitled to the benefits authorized herein, an association must file with the city clerk an application for each child setting out that the child had been regularly registered, admitted and accepted as a ward and occupant of the association at least sixty days prior to the date of application and, further stating the facts that show the child's dependency. In support of the facts stated in the application, the superintendent or other executive officer of the association shall file an affidavit with the city clerk, who thereupon shall refer the application and affidavit to the legislative body of the city. The legislative body shall make a diligent investigation of each application and if it is determined that the child is a dependent child, then he shall be entitled to the benefits authorized herein.

Section 4. The legislative body of a second class city may in its discretion, provide for payment for support of dependent children as a group, using the average occupancy of each association for the last two years as a basis for payment at the rate per year for each child as herein provided, and may make regulations for determining the average occupancy of the last two years. Payment shall be made in the manner and at the time provided in section 2.

ORDERS OF THE DAY

H. B. No. 12 heretofore made a special order of business for Tuesday, January 22, 1952 at 11:30 a.m.

REFERRAL OF BILLS TO COMMITTEE

The Speaker announced that the Committee on Committees had referred the following bills to committees as follows:

House Bill No. 21. Cities of First Class
22. Kentucky Statutes No. 2
23. Public Utilities
24. Kentucky Statutes No. 2
25. Ways & Means
26. Kentucky Statutes No. 2
27. Kentucky Statutes No. 1
28. Fish & Game
29. Kentucky Statutes No. 2
30. Elections
31. Appropriations
33. Agriculture
35. Education
36. Kentucky Statutes No. 1
37. Kentucky Statutes No. 1
38. Kentucky Statutes No. 2
39. Appropriations
40. Education
41. Cities of First Class
42. Kentucky Statutes No. 2
43. Agriculture
45. Ways & Means

46. Kentucky Statutes No. 2
47. Revenue & Taxation
48. Revenue & Taxation
49. Ways & Means

Mr. Lowman moved that the House do now adjourn to meet again at 11:00 o'clock a.m., Tuesday, January 22, 1952.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 22, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Edward W. Baxter, Episcopal Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Marvin A. Cornett	Eugene B. Hancock
Dr. John Adkins, Jr.	Josh R. Cosby	George F. Harris
Henry Arrowood	Charles M. Crowe	John Head
Everett J. Bach	J. C. Denney, Jr.	Farmer Helton
Sidney Baer	C. E. Dowell	William K. Henry
John Rhea Banton	James A. Dressman, Jr.	Thomas D. Hewlett
Clarence J. Barnum	Thomas R. Duncan	Henry R. Heyburn
Owen Billington	R. L. Dunigan	E. R. Hilton
Wm. W. Blanton	Jack Early	Ray Holbrook
R. O. Blevins	Harold Edwards	Chester J. Holsclaw
J. C. Bradley	William Engle	William M. Horn
Edw. T. Breathitt	Roscoe Estep	Paul S. Jonas
Edward O. Bridgers	Herbert Fern	William L. Jones
Thomas L. Britton	Wm. P. Friedlander	Jennings Kearby
Mrs. Mary E. Burnete	Leslie Gay	James W. Lambert
Alex H. Calvert	Henry J. Giles	Jesse H. Lawrence
Walter J. Chyle, Jr.	Chas. M. Greene	Paul M. Lewis
Lewis W. Combest	Henry C. Hale	Mrs. J. T. Linton

Harry K. Lowman	J. F. Robinson	William F. Threlkeld
William Maglinger	Earl Rogers	Marion Vance
Shelby McCallum	Joe Rouse	J. B. Veech
G. Lee McClain	Carl J. Ruh	Eulick (Mike) Walsh
Russell L. Meadows	Amos Runyon	Wm. Thos. Wathen
Tom Mobley	Cecil Sanders	L. M. Weathers
Robert H. Moore	Clem Schroader	W. W. Webster
Walter R. Moorman	Gus F. Sheehan, Jr.	Hicks Wells
Fred H. Morgan	Dr. B. F. Shields	William B. Wells
Earl F. Murphy	John A. Sloan	W.A.(Pete)Wickliffe
Thomas J. Murphy	E. A. Spencer	Charles W. Wirsch
Ewin C. Neville	Mrs. Thelma Stovall	Walker H. Wiseman
Bart N. Peak	E. H. (Ted) Stumbo	Garrett L. Withers
Louis T. Peniston	Egbert V. Taylor	Charles W. Burnley
Hobart Rayburn	Albert Thomason	Speaker
Tipton Reed		

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees being as follows: Morris Weintraub.

Mr. Barnum moved that the reading of the Journal of the proceedings of Monday, January 21, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Heyburn moved that H. B. No. 12 be recommitted to the Committee on Appropriations, H. B. No. 12 is as follows: AN ACT relating to appropriations for the operation, maintenance, support and functioning of the government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies and other state supported activities.

The Speaker ruled said motion was out of order for reasons as follows: That H. B. No. 12 had been made a special order of business for 11:30 o'clock a.m., January 22, 1952, and no motion with respect thereto could be considered until that hour had arrived.

RESOLUTIONS

By Mr. Ruh.•

H. Res. No. 7. A JOINT RESOLUTION providing for an investigation, study, and survey by the Constitution Review Commission regarding the term, session, and compensation of members of the General Assembly.

Said bill is as follows, viz:

A JOINT RESOLUTION providing for an investigation, study, and survey by the Constitution Review Commission regarding the term, session, and compensation of members of the General Assembly:

WHEREAS, under Section 42 of the Constitution of Kentucky a session of the General Assembly may not extend beyond sixty legislative days, and

WHEREAS, such time limitation prevents the General Assembly from preparing and extending full consideration to all matters presented before it, and

WHEREAS, the establishment of a fixed per annum compensation for the members of the General Assembly would eliminate much expense and bookkeeping, and

WHEREAS, under Section 31 of the Constitution of Kentucky the terms for Representatives and Senators of the General Assembly are two and four years respectively, and

WHEREAS, if such terms were lengthened the General Assembly would be composed of a more stable and experienced membership, and

WHEREAS, the expense to candidates seeking election to the General Assembly would be considerably reduced, and

WHEREAS, the expense to the State in conducting elections would also be considerably reduced, and

WHEREAS, the Constitution Review Commission established by the General Assembly is eminently capable to conduct an investigation, study, and survey of amendments to the Constitution of Kentucky:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Constitution Review Commission is hereby requested and authorized to make and conduct a thorough and complete investigation, study, and survey regarding amendments to Section 31 and 42 of the Constitution of Kentucky which would increase the terms of Representatives and Senators of the General Assembly to four and six years respectively, and which would permit the General Assembly to meet for thirty legislative days, adjourn for thirty calendar days, then reconvene for sixty legislative days; and which would establish the compensation for both Senators and Representatives of the General Assembly at twenty-five hundred dollars per annum.

By Mr. Estep, Sloan, Combest, Denny and Gay.

H. Res. No. 8. A RESOLUTION concerning the naming of the body of water impounded by Wolf Creek Dam.

Said bill is as follows, viz:

WHEREAS, historically and continuing, people living and doing business along and adjacent to the reservoir created in the Commonwealth of Kentucky by Wolf Creek Dam have been and are overwhelmingly in favor of naming that body of water "Lake Cumberland"; and

WHEREAS, it is universally recognized, as recently expressed by Colonel Henry Walsh, U.S.A. District Engineer at Nashville, that "The renaming of Wolf Creek Reservoir as 'Lake Cumberland' by the people of Kentucky is understandable and commendable——. The Corps of Engineers feel that it is the prerogative of the people to name the lakes as they see fit;" and

WHEREAS, the construction of Wolf Creek Dam and the reservoir has been completed and the lake has been filled with water for some months; the area is being developed and patronized as a great recreation area, especially for fishing and other water sports; the Dam has been officially dedicated to public

use, removing the last remaining objection to officially changing the name to "Lake Cumberland"; and

WHEREAS, the name "Lake Cumberland" has already become firmly entrenched in the minds of the people and is in common usage, and that the use of any other name in any quarter can only cause confusion and hinder the normal development of the section as a recreation area,

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

(1) That the Congress of the United States of America be requested to designate, as the official name of the body of water impounded by Wolf Creek Dam, "Lake Cumberland," and that the name of the Dam remain "Wolf Creek Dam"; and

(2) That all government agencies, both national and state, and all private agencies and other persons having occasion to refer to the impoundment, be requested to use the name "Lake Cumberland" and no other; and

(3) That the Clerk of the Senate is directed to forward copies of this resolution to the Clerks of the Senate and House of Representatives of the Congress, to all Kentucky members of the Congress, to the heads of all state and national governmental departments connected with the development and operation of the impoundment, and to the newspapers and radio stations in Kentucky and in the larger cities in states adjacent to Kentucky.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Lambert, Estep, Gay, Early and Vance.

H. B. No. 80. AN ACT concerning agricultural seeds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky Seed Improvement Association,

Inc., shall accept and approve all applications of resident seed growers and contract seed growers for the certification of seed on any crop seed which has been recommended for certification by the Kentucky Agricultural Experiment Station and shall field inspect and approve any seed field and certify said seed if the seed grower or contract seed grower shall have met the following requirements:

(1) Make application for the certification of such seed to the Kentucky Seed Improvement Association on or before the date prescribed by the Association for the filing of applications for such certification;

(2) Paid to the Association the required membership dues and field inspection fees;

(3) Traced the origin of said feed to foundation stock or previously certified seed;

(4) Isolated the seed field in conformity with the recommendation of the Kentucky Agricultural Experiment Station; and

(5) That said seed conform with the purity and germination requirements of the Kentucky Seed Improvement Association.

By Mrs. Estep, Dunigan, Rayburn, Sloan, Taylor, Schoader, Robinson, Lambert, Dowell and Helton.

H. B. No. 81. AN ACT relating to the fees of arbitrators, appraisers, surveyors, chain-carriers and viewers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Comm wealth of Kentucky:

Section 1. Section 64.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) Arbitrators shall be allowed ten dollars per day and all expenses incurred in the performance of their duties, to be paid by the parties and taxed at cost.

(2) Where no other fees are provided by law, appraisers

shall be allowed ten dollars per day and all expenses incurred by them in the performance of their duties, same to be paid out of the estate.

(3) When land or improvements, in a county, are ordered to be sold, and appraisment is required, the appraisers shall be paid out of the proceeds of the sale a reasonable compensation fixed by the court, to be taxed as a part of the cost in the action.

Section 2. Section 64.320 of the Kentucky Revised Statutes is amended to read as follows:

The fees of a surveyor for the following services shall be as follows:

(1) Surveying a town lot, land for a mill seat, patent land by the patent boundaries, or any other tract of land and making a plat thereof, or running a dividing line, per hour, plus all expenses incurred.....$2.50

Each plat and connection 5.00

Running a dividing line between two counties, to be paid by the new county, where one is made; and if between counties existing, to be paid by the counties equally interested, per hour.....$2.50
plus all expenses incurred.

Receiving and receipting for land warrant.....$5.00

Copy of certificate and survey.....$5.00

Making an entry for land and copy.....$5.00

Attending commissioners in dividing land or assigning dower, per hour.....$2.50

Every plat from notes taken on the ground or furnished by the party, and calculating contents, with certificate attached.....$5.00

Each additional plat laid down from field notes, or from official documents with notes of explanation.....$5.00

Each copy of such connected plat.....$2.00

Each day's attendance on viewers of a road or passway, per hour.....$2.50

Each connecting plat of the same, metes and bounds, courses and distances, with explanatory notes and report, per hour for the time taken to make same.....$2.50

Each plat recorded pursuant to KRS 73.120 to be paid by the parties interested.....$5.00

Each tract, or extra share connected with or represented thereon $5.00

Plat and certificate of such record.....$5.00

The surveyor may refuse to deliver to any party or file in the court any plat or report of survey until his fees and costs for making it has been paid.

Section 3. Section 64.330 of the Kentucky Revised Statutes amended to read as follows:

(1) Chain-carriers and markers shall be paid by the persons or parties causing the survey to be made, one dollar per hour. If the survey is made under order of the court their services and the fees to which they are entitled shall be reported by the surveyor in making his report.

(2) Viewers of a road shall be paid, by the applicant, one dollar per hour.

By Mr. Helton.

H. B. No. 82. AN ACT relating to the attendance, of witnesses from within or without a state in criminal proceedings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The word "witness" as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

The word "state" shall include any territory of the United States and District of Columbia.

The word "summons" shall include a subpoena, order or other notice requiring the appearance of a witness.

Section 2. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence (and of any other state through which the witness may be required to pass by ordinary course of travel), will give to him protection from arrest and the service of civil and criminal process he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state.

If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars for each day, that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Section 3. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is summoned to attend and testify in this state he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Section 4. If a person comes into this state in obedience to a summons directing him to attend and testify in this state

he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

Section 5. This act may be cited as "Uniform Act to Secure the Attendance of Witness from Within or Without a State in Criminal Proceedings."

By Mr. Bach.

H. B. No. 83. AN ACT relating to prosecution for criminal offenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 10 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

Offenses within the jurisdiction of a justice of the peace, or of a city or police court, may be prosecuted by a summons or warrant of arrest, in which shall be stated, in general terms, the offense charged to have been committed.

Section 2. Sections 306 and 307 of Carroll's Kentucky Criminal Code of Practice are repealed.

By Mr. Robinson.

H. B. No. 84. AN ACT relating to public assistance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 205.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 205.160 to 205.250, unless the context requires otherwise:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner" means the Commissioner of Economic Security or his authorized representative;

(3) "Division" means the Division of Public Assistance in the Department of Economic Security;

(4) "Public assistance" means money grants, assistance in kind or services to or for the benefit of needy aged or needy children or needy blind;

(5) "Needy child" means a child under the age of eighteen who has been deprived of parental support by reason of the death, absence or incapacity of a parent, and who is unable to provide for himself and who does not otherwise have provided for him a subsistence compatible with decency and health;

(6) "Parent," in addition to natural or adopted parent, shall include step-parent;

(7) "Needy aged" means a person who has attained the age of sixty-five and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(8) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health.

(9) "Needy permanently disable person" means a person who is unable because of his physical or mental condition to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health.

Section 2. Subsection (1) of Section 205.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the other provisions of this section, a

needy aged person, a needy blind person, a needy child, or a needy permanently disabled person shall be eligible to receive a public assistance grant if:

(a) He has made a proper application or an application has been made on his behalf in the manner and form prescribed by regulation;

(b) He is a resident of this state at the time of receiving aid, and has been a resident of this state for such period of time prior thereto as is prescribed by regulation; and

(c) He is not, at the time of receiving public assistance, an inmate of any public institution which provides shelter, custody or care and is the responsibility of or administered by a governmental unit, except for temporary medical or surgical care in a hospital;

Provided, that no individual shall be eligible to receive public assistance under KRS 205.160 to 205.250 under more than one category of public assistance for the same period of time.

Section 3. Subsection (1) of Section 205.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Payments of public assistance grants for eligible individuals shall be made at the time and in the manner prescribed by regulation to:

(a) The needy, aged or needy blind or needy permanently disabled person or recipient; or

(b) The parent or relative with whom a needy child lives; or

(c) The parent or legal guardian of a blind minor; or

(d) The legal guardian of (a) or (b) above; or

(e) Such other persons on behalf of an eligible person as may be prescribed by regulation.

Section 4. Subsection (2) of Section 205.240 of the Kentucky Revised Statutes is amended to read as follows:

(2) Prior to July 1 of each year the Commissioner shall

allocate the money in the Public Assistance Fund to the four categories of public assistance provided for in KRS 205.160 to 205.250; namely needy children, needy aged, needy blind, and needy permanently disabled persons, in proportion to the estimated number of applicants and recipients in each category for the following fiscal year, provided that the commissioner may, in the second year of any legislative biennium, reallocate said funds based on the number of recipients during any such biennium and the anticipated applicants during the balance of the biennium.

Section 5. Section 195.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall exercise all functions of the state in relation to:

(a) Administration and supervision of state unemployment insurance.

(b) Administration and supervision of state employment offices.

(c) Administration and supervision of all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, the blind, permanently disabled persons, and otherwise handicapped.

(d) Administration and supervision of all child welfare activities except those vested in the Department of Health.

By Mr. Robinson.

H. B. No. 85. AN ACT increasing the malt beverage tax and providing for the disposition of revenue.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of Section 243.720 of the Kentucky Revised Statutes is amended to read as follows:

There is levied upon the sale or distribution by sale or gift

of malt beverages an excise tax of $2.50 on each barrel of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container of more or less than thirty-one gallons.

Section 2. Two-fifth of the revenue accruing under the provision of Subsection (3) of KRS 243.720 shall be deposited in a fund to apply on the payment of a soldiers' bonus when authorized.

By Mr. Hale.

H. B. No. 86. AN ACT relating to the abandonment of railroad passenger service.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 276.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the application of any carrier by railroad, and after such notice to the public and such hearing as the Kentucky Railroad Commission may by order prescribe, the Railroad Commission of Kentucky shall have the power to authorize common carriers by railroad to discontinue passenger service by railroad on any line of railroad or branch thereof in this State, whenever, in the opinion of the said Railroad Commission said passenger service by railroad has been and is being carried on at a loss, and there is no reasonable probability that such condition will in the future, change for the better, and especially is said Commission authorized to suspend such passenger service if the railroad on the division where said passenger train is being operated is not earning from other transportation service, a net income above maintenance and operating costs, plus a fair return on the value of the property devoted to the transportation service on said division sufficient to recoupe it from the loss that it has or is being, or will sustain in the future by reason of operating the passenger train sought to be discontinued. In reaching its decision, the Railroad Commission shall keep in mind that it is the declared public policy of Kentucky that all

common carriers operating in the Commwealth shall furnish to the public its every necessary transportation service at the lowest possible cost, the service being economically administered and without any particular transportation service being required to be furnished to the public when the cost of its operation casts an unreasonable burden upon other transportation services which public necessity requires; and that no transportation service shall be required of any common carrier when the public fails to utilize such service to such an extent to disclose that such service is a public necessity. No common carrier by railroad shall discontinue its passenger train or substitute a mixed train for a passenger train until said Railroad Commission shall have authorized the discontinuance or substitution in accordance with this section. Provided, however, this clause shall not apply to seasonal passenger trains.

(2) Any railroad company that has established and maintained throughout the year for five consecutive years, a passenger station at any point on its line shall not abandon the station without the written consent of the Railroad Commission.

By Mr. Holbrook.

H. B. No. 87. AN ACT authorizing water districts to acquire, develop, maintain and operate gas systems.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any county court, except in counties containing a city of the first class, upon petition of seventy-five resident freeholders of a water district heretofore organized under the provisions of KRS 74.010, may authorize said water district to acquire, develop, maintain, and operate a system for the distribution of natural, artificial, or mixed gas to the citizens of the county. The petition shall describe the territory intended to be included in the area to be served and shall set out the reasons a gas distribution system is needed.

(2) When the petition is filed, the court shall give notice of the filing by publication in three issues of a newspaper of

general circulation in the county, or if there is no newspaper in the county, by posting notices in three public places in the water district. Within thirty days after the publication of notices, any resident of the district may file objections, and the Court shall set the case for hearing within ten days. If the court finds the establishment of a gas distributing system by such district reasonably necessary for the public health, convenience, and comfort of the residents, it shall make an order authorizing the establishment or acquisition of the gas distributing system.

(3) The court may in its order strike off any part of the territory that the testimony shows will not be benefited by the creation of the distribution system. If the court does not find that the gas distribution system is necessary it shall dismiss the petition. Either party may appeal to the circuit court for a retrial, and from the circuit court to the Court of Appeals, as provided by law.

(4) If the water district is authorized to establish the gas distribution system, such system shall be established, maintained, and operated by the water commissioners of the district authorized to establish said system and said commissioners shall have all of the powers and authority, as regards the gas distributing system, that are conferred upon them for the purpose of furnishing a water supply under Chapter 74 of the Kentucky Revised Statutes.

(5) Water districts may, in addition to all other methods provided by law, acquire and develop water systems and systems for the distribution of natural, artificial, or mixed gas through the issuance of revenue bonds under the terms and provisions of KRS 58.010 to 58.140.

(6) Section 74.120 of the Kentucky Revised Statutes is amended to read as follows:

The commission shall not include an incorporated city in any water district, but may contract with any city for the purpose of furnishing water or gas to the residents of the city. The assignment to the commission or the water district of any valid outstanding franchise for the distribution of water or natural,

artificial, or mixed gas to the residents of any city shall constitute a contract with the city within the terms of this section.

By Mr. Robinson.

H. B. No. 88. AN ACT relating to highways, amending section 177.044, 177.045, 177.060, 177.070 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 177.044 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever the Department of Highways shall hereafter construct or reconstruct any state road which passes through any city, it shall construct or reconstruct the street through the city in no lower type of construction than that used in the construction of the road at the point where it enters the city or at the point where it leaves the city. Whenever any city street is constructed, reconstructed or repaired under the provisions of KRS 177.041 to 177.047, the Department of Highways shall remove and relay without expense to the city or any other person and underground sanitary sewers, gas or water mains or other similar underground public utilities.

(2) If a street is constructed or reconstructed under the provisions of KRS 177.041 to 177.047, the plans and specifications for the construction or reconstruction of the street shall be submitted to the proper authorities of the city and shall be approved by the authorities of the city before the Department of Highways shall attempt the construction or reconstruction.

(3) The Department of Highways, shall, in constructing or reconstructing any street under the provisions of KRS 177.041 to 177.047, establish the necessary grade in conformity with the plans and specifications and by ordinance as the agent of the city, and the Department of Highways shall be liable to property owners for the changing of the grade or establishing new grades, and for damages, if any, resulting to such property owners.

Section 2. Section 177.045 of the Kentucky Revised Statutes, is amended to read as follows:

When the Commissioner of Highways has designated any street in any city as a part of the state primary road system, before any construction, reconstruction, maintenance or repair of the street shall be done by the Department of Highways, the city must convey to the Commonwealth of Kentucky all right of ways it owns upon which the street is located. If it is necessary to acquire new or additional right of ways, the city shall cause the right of ways to be deeded to the Commonwealth of Kentucky for the use and benefit of the Department of Highways with the Department of Highways paying the cost of such new or additional right of ways.

Section 3. Section 177.060 of the Kentucky Revised Statutes is amended to read as follows:

All cost of acquiring any necessary land or right of way for primary road purposes and all damages incurred shall be paid by the Commonwealth, unless it is a road owned by the county.

Section 4. Section 177.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2), the Department of Highways may agree with any landowner as to the value of a right of way and if the agreement is approved by the county attorney and county judge the fiscal court shall enter an order directing the payment of the amount agreed upon to the landowner, and the agreement shall be entered upon the county court's records, and upon receipt of the certificate of the county judge and county attorney in the Department of Highways showing the amounts agreed upon to the landowners, the Department of Finance shall draw its warrant upon the State Treasurer for payment of the amount certified.

(2) The Department of Highways may contract with the owners of private surfaced roads necessary to be incorporated in the primary road system, and agree upon the price to be paid, subject to the approval of the county judge and county attorney in each county where such roads are located. Upon receipt of the certificate of the county judge and county at-

torney showing the transfer and total cost, the Department of Finance shall draw its warrant upon the State Treasurer for payment of the amount certified. The state shall not pay for private roads owned by counties.

(3) Any landowner may donate a right of way across his land for any primary road, by executing a deed to the Department of Highways for the use and benefit of the state for such right of way.

By Mr. Hilton.

H. B. No. 89 AN ACT increasing cigarette taxes, and making disposition of the revenue.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 138.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) A tax shall be paid on the sale of cigaretttes made of tobacco, or any substitute for tobacco, of one and one-half cents on each ten cents or fractional part thereof of the retail selling price. This tax shall be paid only once, regardless of the number of times the cigarettes may be sold in this state.

Section 2. The revenue received from the taxes imposed by KRS 138.140 shall be paid into the State Treasury and credited to the General Fund.

By Mr. Denney.

H. B. No. 90 AN ACT relating to appropriation for public roads, amending section 179.410 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 179.410 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Highways shall allocate the sum appropriated by the state for the construction, reconstruction, improvement and maintenance of county roads and bridges as follows:

(1) One-third of the sum appropriated shall be apportioned equally between the one hundred and twenty counties.

(2) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ration which the rural population of each county bears to the total rural population of the state. Rural population, as used herein, means the population outside cities and towns having a population of five thousand or more as shown by the most recent decennial census of the United States Bureau of Census.

(3) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the state.

(4) The Department of Highways shall also expend out of the State Road Fund sums sufficient to build and keep in good repair streets, curbing, gutters and sidewalks in cities of the fifth and sixth class that are now classified or may hereafter be classified and used as state, inter county-seat or rural highway roads.

(5) The Department of Highways at the close of each quarter of the current fiscal year, or as soon thereafter as practicable, shall furnish to the fiscal courts of the several counties a statement showing the total amount of all disbursements under subsection (1), (2) and (3) of this Section, the unliquidated and unencumbered balances of the funds allocated to the respective counties for that fiscal year.

By Mr. Denney and Robinson.

H. B. No. 91 AN ACT relating to a bounty for killing a red fox.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fiscal courts may offer a bounty of not more than fifty cents per red fox, for each red fox killed within the county. The fiscal courts may fix in the order offering the bounty the terms and conditions upon which the bounty will be paid. The payments of the bounty shall be made from funds derived from the general tax levy of the county.

By Mr. Morgan.

H. B. No. 92 AN ACT relating to game and fish licenses and tags.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county clerk or any agent designated by the division under the provisions of subsection (3) KRS 159.160 shall retain as his fee, out of the money received by him for licenses and tags, the following fees:

(a) For each license or tag which the fee is $1.00, a fee of 15c.

(b) For each license or tag for which the fee is from $2.00 to $5.00, a fee of 25c.

(c) All license fees above $5.00, a fee of 50c.

(d) For each duplicate license issued pursuant to the provisions of subsection (1) of KRS 150.235, a fee of 25c.

(e) Five per cent of the amount remaining after the deduction of the specific fees allowed herein, to be in addition to such fees.

(2) These fees shall cover the swearing of the applicant to his application, and all other services under this chapter. The county clerk shall pay the payments remaining after deducting his fee, to the State Treasurer, on the first day of each month,

which amount shall be credited to the Game and Fish Fund. The county clerk shall report to the director on the first day of each month the number and kind of licenses and tags issued and the amount of money remitted to the State Treasurer.

Section 2. Section 150.235 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall do any act authorized by any kind of license provided for in this chapter unless at the time thereof he has the license provided therefor on his person, except that in the case of a wholesale fish dealer's license, and a fur processor's license, it shall be sufficient if the license is posted on the licensed premises.

(2) No license authorized by this chapter, except a wholesale fish dealer's license, and a fur processor's license, may be issued except to an individual, and no more than one such license may be issued to any individual in any calendar year, except that, upon the payment of a fee of twenty-five cents, a duplicate license shall be issued to any person who files with county clerk or agent from whom the original license was procured an affidavit stating that he had lawfully procured a license but that it had been lost or destroyed, and that it had not been forfeited under the provisions of subsection (2) of KRS 150.990. A wholesale fish dealer's license and a fur processor's license may be issued to an individual or to a partnership, firm or corporation and as many such licenses may be issued to any individual, partnership, firm or corporation, as may be required for the various premises upon which the licensed business is to be carried on. In the case of a fur processor's license, no employe or agent of the person, firm, partnership, or corporation in whose name the license was issued shall exercise any privilege authorized by the license at any place other than the licensed premises, unless he has on his person an agent's license card issued by the director. For the purpose of securing such agent's card, the holder of the license shall file with the division an application form, giving the name and a general description of each agent or employe who will engage in the transactions authorized by the license. There shall be no fee for the issuance of such agent's cards. The

director with the approval of the commission shall have authority to restrict and limit the number of such cards that will be issued, and to prescribe the terms and conditions under which a card may be issued and used and may revoke any such cards whenever it appears to the director that the holder thereof is not complying in all respects with the purpose and intent of this chapter.

(3) Wherever in this chapter reference is made to the "holder" of a license, it means the person in whose name the license was issued. No person to whom a license has been issued under this chapter may permit any other person to carry his license.

(4) No person shall make a false statement or give false information with reference to the procurement of a duplicate license under the provisions of subsection (2).

By Mr. Runyon, Duncan and Hilton.

H. B. No. 93 AN ACT relating to Teachers' Retirement and amending KRS 161.220 (10), (11), KRS 161.620 (1), (2), KRS 161.540.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (10) of Section 161.220 of the Kentucky Revised Statutes is amended to read as follows:

"Annual Salary" means the average annual salary which the member has received for his service as a teacher in the public schools of Kentucky for five years or for as many years if less than five, prior to July 1, 1941, except that any salary which exceeds two thousand dollars shall be considered two thousand dollars; and during the five years or for as many years if less than five years, immediately preceding retirement by reason of superannuation or disability, except that any salary which exceeds two thousand dollars in any year prior to July 1, 1946, shall be considered two thousand dollars and any salary for any year subsequent to July 1, 1946, and prior to the effective date of this Act, which exceeds two thousand

four hundred dollars shall be considered two thousand four hundred dollars and any salary subsequent to the effective date of this Act which evceeds three thousand six hundred dollars shall be considered three thousand six hundred dollars.

Section 2. Subsection (11) of Section 161.220 of the Kentucky Revised Statutes is amended to read as follows:

"Annual Compensation" means the contractual salary and additions thereto received by a member as compensation for his service as a teacher in the public schools of Kentucky during a given fiscal year before any deductions, except that any such compensation that exceeds three thousand six hundred dollars shall be considered as three thousand six hundred dollars only.

Section 3. Section 161.540 of the Kentucky Revised Statutes is amended to read as follows:

Each member whose age on the first day of any current scholastic year is less than thirty years shall contribute to the Retirement System three per cent of his annual compensation. Each member whose age on the first day of any current scholastic year is thirty years and less than forty years shall contribute to the Retirement System four per cent of his annual compensation. Each member whose age is forty years or more on the first day of any current scholastic year shall contribute to the Retirement System five per cent of his annual compensation. The contribution of a member shall not exceed his percentage, determined by his age, on his current annual compensation and no contribution shall be made on the excess of annual compensation over three thousand six hundred dollars.

Section 4. Subsection (1) and (2) of Section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

Subsection (1) The retirement allowance of the member retiring for superannuation whose age of retirement is seventy years shall be one per cent of his average annual prior service salary (as defined) for each year of prior service credit plus one and one-half per cent of his average annual salary for each year of subsequent service between the years 1941 and the effective date of this Act, plus a percentage in excess of one

and one-half per cent, to be determined by the Actuary of the System and approved by the Board of Trustees, said determined percentage to be taken of his annual subsequent service salary (as defined) for the years after the effective date of this Act. The retirement allowance of a member retiring for superannuation whose age at time of retirement is less than seventy years shall be reduced to that amount which the value of the retirement allowance computed as provided in this section at age seventy will purchase as of the actual age of retirement of the member, according to the actuarial table in use by the System. Retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to one at age seventy. Said factors shall be determined by the Actuary of the Retirement System and approved by the Board of Trustees.

Subsection (2) For any member retiring on or after the effective date of this Act, no retirement allowance shall be greater than one thousand eight hundred dollars.

Section 5. In order to carry out the purposes of 161.540 as hereby amended by matching the increase in the members' contributions thereunder, there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of $500,000.00 for the fiscal year 1952-53 and the sum of $500,000.00 for the fiscal year 1953-54.

Section 6. This Act shall become effective July 1, 1952.

By Mr. Harris.

H. B. No. 94 AN ACT relating to the qualifications and licensing of dentists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. An application for a license to practice dentistry shall be of good moral character, at least twenty-one years of age at the time of making the application and shall have been a resident of the Commonwealth of Kentucky on January 1, 1952, and for ten years immediately preceding that date. The application shall be accompanied by evidence satisfactory to

the board that the applicant is a graduate of, and has a diploma from a reputable university, rated as acceptable by the board. The board shall rate dental colleges, schools or departments of a university, or accept the ratings issued by accredited bodies approved by it. The application shall be made to the board in writing. It shall be accompanied by an examination fee of forty dollars, payable to the secretary-treasurer. Except that any person who has successfully completed at least two years of the required course of study in a dental college, and who has practiced dentistry for a period of more than forty years, upon application to the State Board of Dental Examiners, and the payment to the board of a fee of forty dollars, shall be entitled to a license to practice dentistry in this Commonwealth, and the Board shall issue to such applicant a license on the standard form used and approved by the Board, signed by its President and Secretary and authenticated by the seal of the Board, which license shall be registered with the County Clerk of each County in which he desires to practice, as is provided for in KRS 313.110.

Sec. 2. No person shall file, or attempt to file as his own the diploma or license of another, or a forged affidavit of identification or qualification.

Sec. 3. Section 313.040 of the Kentucky Revised Statutes is hereby repealed.

REPORT OF COMMITTEES

Mr. Barnum of the Committee on Cities of the First Class to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 21 AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restrictions on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

The hour of 11:30 o'clock a.m., having arrived, that being the hour previously agreed upon as a Special Order of the Day, the House took up for consideration a bill of the following title, viz:

H. B. No. 12 AN ACT RELATING TO APPROPRIATIONS FOR THE OPERATION, MAINTENANCE, SUPPORT AND FUNCTIONING OF THE GOVERNMENT OF THE COMMONWEALTH OF KENTUCKY AND ITS VARIOUS OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS, SUBDIVISIONS, AGENCIES AND OTHER STATE SUPPORTED ACTIVITIES.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART ONE

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1952 and ending June 30, 1953, and for the fiscal year beginning July 1, 1953, and ending June 30, 1954, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those listed in Parts Two, Three, and Four of this Budget Act, as follows:

I. GENERAL GOVERNMENT

1. LEGISLATIVE

A. *Legislative Sessions.*
1953-54 ---------- $400,000.00

B. *Legislative Research Commission.*
1952-53 ---------- $78,000.00
1953-54 ---------- $88,000.00

C. *Legislative Journals and Acts.* For preparing, indexing, editing and printing the Journals and Acts of the General Assembly. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year,

1952-53 ..... $40,000.00

D. *The Council of State Governments.*

1952-53 ..... $7,500.00
1953-54 ..... $7,500.00

TOTAL—LEGISLATIVE

1952-53 ..... $125,500.00
1953-54 ..... $495,500.00

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2. LIEUTENANT-GOVERNOR

A. *Lieutenant-Governor.*

1952-53 ..... $8,000.00
1953-54 ..... $8,000.00

3. JUDICIARY

A. *Court of Appeals.* For normal recurring operating costs of Court of Appeals, including salaries of judges and commissioners.

1952-53 ..... $207,000.00
1953-54 ..... $207,000.00

B. *Clerk of Court of Appeals.*

1952-53 ..... $30,000.00
1953-54 ..... $29,000.00

C. *Judicial Council.*

1952-53 ..... $15,000.00
1953-54 ..... $15,000.00

D. *Board of Bar Examiners.*

1952-53 ..... $3,000.00
1953-54 ..... $3,000.00

E. *Circuit Judges.* For salaries and expenses of Circuit judges.

1952-53 ..... $412,500.00
1953-54 ..... $412,500.00

TOTAL—JUDICIARY
1952-53 ..... $667,500.00
1953-54 ..... $666,500.00

4. COUNTY COSTS

A. *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds* (Circuit Clerks), and *Commissions on Fines and Forfeitures.* For expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds (Circuit Clerks) and Commissions on Fines and Forfeitures,

1952-53 ..... $2,329,000.00
1953-54 ..... $2,329,000.00

B. *Commonwealth's Attorneys.* For salaries of Commonwealth's Attorneys,

1952-53 ..... $21,000.00
1953-54 ..... $21,000.00

C. *Return of Fugitives from Justice.*

1952-53 ..... $10,000.00
1953-54 ..... $10,000.00

D. *County Highway Patrol.*

1952-53 ..... $135,000.00
1953-54 ..... $135,000.00

E. *Premiums on Sheriffs' Bonds.*

1952-53 ..... $25,000.00
1953-54 ..... $25,000.00

TOTAL—COUNTY COSTS
1952-53 ..... $2,520,000.00
1953-54 ..... $2,520,000.00

5. EXECUTIVE DEPARTMENT

A. *Governor's Office.*

1952-53 ..... $51,250.00
1953-54 ..... $51,250.00

B. *Contingent Fund.*

1952-53 ..... $10,000.00
1953-54 ..... $10,000.00

C. *General Emergency Fund.* For meeting expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund,

1952-53 ..... $500,000.00
1953-54 ..... $500,000.00

TOTAL—EXECUTIVE DEPARTMENT

1952-53 ..... $561,250.00
1953-54 ..... $561,250.00

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6. SECRETARY OF STATE

A. *Secretary of State.*

1952-53 ..... $52,500.00
1953-54 ..... $48,000.00

7. DEPARTMENT OF LAW

A. *Attorney General.*

1952-53 ..... $ 95,000.00
1953-54 ..... $100,000.00

8. STATUTE REVISION COMMISSION

A. *Statute Revision Commission.*

1952-53 ..... $31,000.00
1953-54 ..... $27,500.00

B. *Codification Board.*

1952-53 ..... $7,200.00
1953-54 ..... $7,200.00

C. *Constitution Review Commission.*

1952-53 ..... $2,500.00
1953-54 ..... $2,500.00

TOTAL—STATUTE REVISION COMMISSION

1952-53 ..... $40,700.00
1953-54 ..... $37,200.00

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9. DEPARTMENT OF TREASURY

A. *State Treasurer.*

1952-53 ..... $54,000.00
1953-54 ..... $55,500.00

10. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts.* For expenses of auditing for the benefit of the State, including all State Agencies and County Officials receiving or disbursing public monies belonging to the State.

1952-53 ..... $50,000.00
1953-54 ..... $55,000.00

11. DEPARTMENT OF FINANCE

A. *Commissioner of Finance.* For expenses of the various divisions within the Department, including the administration of Confederate Pensions, and the administration of Public Printing.

1952-53 ..... $398,300.00
1953-54 ..... $417,500.00

B. *Public Properties.* For custodial care of public properties and expenses,

1952-53 ..... $260,000.00
1953-54 ..... $270,000.00

C. *Paper for Election Ballots and General Assembly.* For expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law. Any unexpended balance remaining at the end of the first year shall carry forward to the following year,

1952-53 ..... $27,500.00
1953-54 ..... $ 7,500.00

D. *Confederate Pensions.* For the payment of Confederate Pensions as provided by law,

1952-53 ..... $25,000.00
1953-54 ..... $25,000.00

TOTAL—DEPARTMENT OF FINANCE

1952-53 ..... $710,800.00
1953-54 ..... $720,000.00

12. DEPARTMENT OF REVENUE

A. *Commissioner of Revenue.* For expenses of the various divisions of the Department,

1952-53 ..... $1,028,500.00
1953-54 ..... $1,065,200.00

B. *Reappraisals.* For expenses of reappraisals as contemplated by KRS 132.670,

1952-53 ..... $150,000.00
1953-54 ..... $150,000.00

C. *County Tax Commissioners.*

1952-53 ..... $1,100,000.00
1953-54 ..... $1,125,000.00

D. *County Boards of Supervisors.*

1952-53 ..... $30,000.00
1953-54 ..... $30,000.00

TOTAL—DEPARTMENT OF REVENUE

1952-53 ..... $2,308,500.00
1953-54 ..... $2,370,200.00

13. ELECTIONS

A. *Board of Election Commissioners.*

1952-53 ..... $1,700.00
1953-54 ..... $1,700.00

B. *Board of Registration and Purgation.*

1952-53 ..... $2,300.00
1953-54 ..... $2,300.00

C. *Elections.* For County Elections (State Share) and Presidential Electors,

1952-53 ..... $170,000.00
1953-54 ..... $170,000.00

TOTAL—ELECTIONS

1952-53 ..... $174,000.00
1953-54 ..... $174,000.00

14. DEPARTMENT OF MILITARY AFFAIRS

A. *Adjutant General.* For expenses of operating the office of Adjutant General, Division of Armories and Kentucky National Guard.

1952-53 ..... $161,500.00
1953-54 ..... $161,500.00

B. *Armories—Rental.*

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

TOTAL—DEPARTMENT OF MILITARY AFFAIRS
1952-53 ..... $261,500.00
1953-54 ..... $261,500.00

15. KENTUCKY DISABLED EX-SERVICEMEN'S BOARD

A. *Kentucky Disabled Ex-Service Men's Board.*

1952-53 ..... $95,000.00
1953-54 ..... $95,000.00

16. DEPARTMENT OF AERONAUTICS

A. *Department of Aeronautics.*

1952-53 ..... $125,000.00
1953-54 ..... $127,000.00

17. DEPARTMENT OF STATE POLICE

A. *Department of State Police.*

1952-53 ..... $280,300.00
1953-54 ..... $317,600.00

18. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *Agricultural and Industrial Development Board.* For expenses of the board,

1952-53 ..... $177,000.00
1953-54 ..... $175,000.00

B. *Water Survey.*

1952-53 ..... $103,400.00
1953-54 ..... $103,300.00

C. *Mineral Survey.*

1952-53 ..... $50,000.00
1953-54 ..... $50,000.00

TOTAL—AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

1952-53 ..... $330,400.00
1953-54 ..... $328,300.00

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19. DEPARTMENT OF LIBRARY AND ARCHIVES

A. *Law Librarian.*

1952-53 ..... $15,000.00
1953-54 ..... $15,000.00

B. *State Librarian.*

1952-53 ..... $5,100.00
1953-54 ..... $5,100.00

C. *Law Library Books.* For expenses as provided for under KRS 171.110,

1952-53 ..... $7,500.00
1953-54 ..... $7,500.00

D. *Library Sales Account.* For expenses of publishing opinions of the Court of Appeals,

1952-53 ..... $5,000.00
1953-54 ..... $5,000.00

E. *Distribution and Repair of Books.*

1952-53 ..... $1,000.00
1953-54 ..... $1,000.00

F. *Division of Library Extension.*

1952-53 ..... $35,400.00
1953-54 ..... $35,400.00

G. *Kentucky State Historical Society.*

1952-53 ..... $31,000.00
1953-54 ..... $31,000.00

TOTAL—DEPARTMENT OF LIBRARY AND ARCHIVES

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

20. DEPARTMENT OF BUSINESS REGULATION

A. *Division of Athletic Control.*

1952-53 ..... $4,000.00
1953-54 ..... $4,000.00

21. DEPARTMENT OF INSURANCE

A. *Department of Insurance.* For expenses of the various divisions of the Department,

1952-53 ..... $75,000.00
1953-54 ..... $75,000.00

22. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Department of Industrial Relations.* For expenses of operating Office of Commissioner and Division of Wages and Hours for Women and Minors.

1952-53 ..... $100,000.00
1953-54 ..... $118,000.00

23. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals.*

1952-53 ..... $264,000.00
1953-54 ..... $264,000.00

24. RAILROAD COMMISSION

A. *Railroad Commission.* For expenses of the Commission, including the Assistant Attorney General for the Railroad Commission.

1952-53 ..... $31,000.00
1953-54 ..... $31,000.00

25. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Department of Alcoholic Beverage Control.*

1952-53 ..... $236,000.00
1953-54 ..... $246,000.00

26. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Money Refunded.* For refunding money paid into the the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney-General and approved by the Commissioner of Finance,

1952-53 ..... $2,500.00
1953-54 ..... $2,500.00

B. *Bonds of Elective Officers.* For payment of premiums on bonds of elected State Officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1952-53 ..... $1,300.00
1953-54 ..... $1,300.00

C. *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney-General,

1952-53 ..... $35,000.00
1953-54 ..... $35,000.00

D. *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same,

1952-53 ..... $250.00
1953-54 ..... $250.00

E. *Franklin Circuit Court.* For purchase of supplies and equipment in accordance with KRS 28.165,

1952-53 ..... $300.00
1953-54 ..... $300.00

F. *Statutes and Codes for Courts.* For purchasing copies of the statutes of Kentucky and Kentucky Codes of Practice for the purposes contemplated in KRS 57.340,

1952-53 ..... $3,400.00
1953-54 ..... $1,400.00

G. *Kentucky Directory.*

1952-53 ..... $1,100.00

H. *Interstate Oil Compact.*

1952-53 ----------$1,000.00
1953-54 ----------$1,000.00

I. *Public Improvements.* For paying assessments for public works against property owned by the state as provided in KRS 94.297,

1952-53 ----------$7,000.00
1953-54 ----------$7,000.00

J. *Board of Claims Awards and Costs.* For the payment of awards or judgments made and costs taxed by the Board of Claims against departments, boards, commissions and other agencies maintained by appropriations out of the General Fund,

1952-53 ----------$20,000.00
1953-54 ----------$20,000.00

K. *Capital Planning and Zoning Commission.* For expenses of participation in the program of the Commission,

1952-53 ----------$2,500.00
1953-54 ----------$2,500.00

L. *Water Pollution Control Commission.* For payment of expenses of the Commission,

1952-53 ----------$21,700.00
1953-54 ----------$40,000.00

TOTAL—APPROPRIATIONS NOT OTHERWISE CLASSIFIED

1952-53 ----------$ 96,050.00
1953-54 ----------$111,250.00

TOTAL—I. GENERAL GOVERNMENT

1952-53 ----------$9,366,000.00
1953-54 ----------$9,889,800.00

II. WELFARE

27. DEPARTMENT OF WELFARE

A. *Office of Commissioner.* For expenses of administration

of the Office of the Commissioner, Division of Fiscal Control and Agricultural Production,

1952-53 ..... $152,800.00
1953-54 ..... $162,000.00

B. *Mental Health.* For expenses of the Division of Hospitals and Mental Hygiene, the Mental Hospitals (Eastern State Hospital, Central State Hospital, Western State Hospital and Kentucky State Hospital), and Conveyance of Patients,

1952-53 ..... $4,208,000.00
1953-54 ..... $4,508,000.00

C. *Corrections.* For expenses of the Division of Corrections, Division of Probation and Parole and Penal Institutions (Houses of Reform, State Reformatory, State Penitentiary and Women's Prison),

1952-53 ..... $2,141,200.00
1953-54 ..... $2,292,000.00

D. *Home for Incurables.*

1952-53 ..... $15,000.00
1953-54 ..... $15,000.00

E. *Pauper Idiots.*

1952-53 ..... $65,000.00
1953-54 ..... $65,000.00

F. *Kentucky Children's Home.*

1952-53 ..... $207,000.00
1953-54 ..... $227,000.00

G. *Kentucky Training Home.*

1952-53 ..... $511,000.00
1953-54 ..... $531,000.00

H. *Penal Institutions and Kentucky Training Home.* To be used for maintenance only,

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

I. *Mental Hospitals.* To be used for maintenance only,

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

TOTAL—DEPARTMENT OF WELFARE

1952-53 ..... $7,500,000.00
1953-54 ..... $8,000,000.00

28. DEPARTMENT OF ECONOMIC SECURITY

For ordinary expenses of operation and cooperation (Matching of funds) with the Federal Government under the Social Security Act of August 14, 1935, and any amendments now in effect or hereinafter enacted and under any act of congress supplementing said act as amended, including adjustments of prior year or current year accounts necessary to comply with the federal regulations. Also for the administration of Old Age Assistance, Aid to Dependent Children, and Aid to the Needy Blind, including cost to the State Treasurer for preparing, printing and issuing checks for recipients of Public Assistance Programs. Also, for administration, services and benefits of the Child Welfare Program.

A. *Public Assistance—Administration.* Notwithstanding the provisions of KRS 45.235 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230,

1952-53 ..... $900,000.00
1953-54 ..... $900,000.00

B. *Public Assistance—Benefits.* For Old Age Assistance Payments, Aid to the Needy Blind, and Aid to Dependent Children, and not to be used for costs of administration. Any unexpended balance at the end of the first fiscal year shall be carried over to the second and placed in a reserve fund which may be expended by the Commissioner of Economic Security for the purposes of this appropriation with the approval of the Governor,

1952-53 ..... $10,865,000.00
1953-54 ..... $10,865,000.00

C. *Child Welfare—Administration and Services.* Notwithstanding the provisions of KRS 45.236 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of

the biennium shall lapse in accordance with the provisions of KRS 45.230.

1952-53 ..... $275,000.00
1953-54 ..... $300,000.00

D. *Child Welfare—Benefits.* For boarding home care and other benefit expenses, and not to be used for costs of administration. Notwithstanding the provisions of KRS 45.236 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230.

1952-53 ..... $225,000.00
1953-54 ..... $250,000.00

E. *Division of Personnel Security.* For administering the Social Security Act,

1952-53 ..... $22,000.00
1953-54 ..... $22,500.00

TOTAL—DEPARTMENT OF ECONOMIC SECURITY

1952-53 ..... $12,287,000.00
1953-54 ..... $12,337,500.00

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29. DEPARTMENT OF HEALTH

A. *Department of Health.*

1952-53 ..... $640,000.00
1953-54 ..... $745,000.00

B. *County Health Units and Departments.*

1952-53 ..... $ 975,000.00
1953-54 ..... $1,150,000.00

C. *Narcotic Law Enforcement.*

1952-53 ..... $33,000.00
1953-54 ..... $33,000.00

D. *Colored Red Cross Hospital.*

1952-53 ..... $35,000.00
1953-54 ..... $35,000.00

E. *Kentucky Division of Women's Field Army of American Society for Control of Cancer.*

1952-53 ..... $50,000.00
1953-54 ..... $50,000.00

F. *Kentucky Crippled Children's Commission.*

1952-53 ..... $225,000.00
1953-54 ..... $225,000.00

G. *Medical Research Commission.*

1952-53 ..... $200,000.00
1953-54 ..... $225,000.00

H. *County Sanatoria.* For reimbursements to be made in accordance with KRS 215.320, but the total reimbursement for each Sanatorium shall not exceed the following appropriations:

1. Julius Marks Sanatorium

1952-53 ..... $58,000.00
1953-54 ..... $58,000.00

2. Covington-Kenton County Tuberculosis Sanatorium

1952-53 ..... $43,800.00
1953-54 ..... $43,800.00

3. Warren County Tuberculosis Sanatorium

1952-53 ..... $21,900.00
1953-54 ..... $21,900.00

4. Waverly Hills Tuberculosis Sanatorium

1952-53 ..... $200,000.00
1953-54 ..... $200,000.00

TOTAL—DEPARTMENT OF HEALTH

1952-53 ..... $2,481,700.00
1953-54 ..... $2,786,700.00

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30. TUBERCULOSIS SANATORIA COMMISSION

A. *Tuberculosis Sanatoria Commission.* For administrative and operating expenses of the Commission and institutions under its control and supervision,

1952-53 ..... $1,840,000.00
1953-54 ..... $1,882,000.00

TOTAL—II. WELFARE

1952-53 ..... $24,108,700.00

1953-54 ..... $25,006,200.00

III. EDUCATION

31. DEPARTMENT OF EDUCATION

A. *Superintendent of Public Instruction.* For expenses of the divisions within the Department, State Board of Education and State Textbook Commission.

1952-53 ..... $239,000.00

1953-54 ..... $239,000.00

B. *Public School Lunch Program.*

1952-53 ..... $42,500.00

1953-54 ..... $42,500.00

C. *Common School Per Capita Fund.* For the payment of monthly salaries of teachers and for no other purposes.

1952-53 ..... $26,212,500.00

1953-54 ..... $26,212,500.00

The State Board of Education shall not approve any working budget or salary schedule for a local board of education for the school year 1952-53 and 1953-54 in which the total amount budgeted for teachers' salaries in the school year 1951-52 is not increased by the minimum additional amount of per capita revenue apportioned to that district over that received in the school year 1951-52, except where there is a decrease in the combined local revenue and equalization funds of that district after the district has levied the maximum ad valorem tax rate permitted by law and, except where the total number of teaching positions in a district has been reduced as a result of mergers of districts or consolidations or discontinuance of schools which have been approved by the State Board of Education. Any such reduction permitted shall be only for the amount of the decrease in the combined local revenue and equalization and/or the total of the salaries of such teaching positions that have been eliminated from the school district. In no case shall any teacher's salary be less than the amount that teacher would have received had there been no consolidation or merger.

In the event any local board of education claims there is a decline in local revenue in that district, the State Board of Education shall certify such claim to the Department of Revenue whose duty it shall be to determine whether or not there is a decline in local revenue of such district and, if so, the amount of such decline in local revenue. The Department of Revenue shall then make its certification to the State Board of Education and said Board shall accept said certification as final.

The above amount includes $138,937.63 for each fiscal year which is interest on State School Bonds, as provided by the State Constitution for the support of common schools.

D. *Equalization Fund.* For equalization of educational services in the common schools to be expended as provided by law and regulations of the State Board of Education.

1952-53 ----------$5,573,000.00
1953-54 ----------$6,587,500.00

E. *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding $17,000 of this appropriation may be used each fiscal year for administration.

1952-53 ----------$900,000.00
1953-54 ----------$900,000.00

F. *Vocational Education—Administration.*

1952-53 ----------$55,000.00
1953-54 ----------$55,000.00

G. *Vocational Education—Instruction.* For reimbursement of teacher training and special instructors.

1952-53 ----------$55,000.00
1953-54 ----------$55,000.00

H. *Vocational Education—Local School Districts.*

1952-53 ----------$300,000.00
1953-54 ----------$300,000.00

I. *Vocational Rehabilitation.*

1952-53 ----------$92,000.00
1953-54 ----------$92,000.00

J. *West Kentucky Vocational Training School.*
1952-53 ..... $110,700.00
1953-54 ..... $120,000.00

K. *Mayo State Vocational School.*
1952-53 ..... $135,000.00
1953-54 ..... $145,000.00

L. *Northern Kentucky Vocational Training School.*
1952-53 ..... $58,000.00
1953-54 ..... $63,000.00

M. *Lincoln Institute.*
1952-53 ..... $125,000.00
1953-54 ..... $125,000.00

N. *Kentucky School for the Blind.*
1952-53 ..... $160,000.00
1953-54 ..... $165,000.00

O. *Kentucky School for the Blind—Workshop for Adult Blind.*
1952-53 ..... $22,300.00
1953-54 ..... $22,300.00

P. *Kentucky School for the Deaf.*
1952-53 ..... $290,000.00
1953-54 ..... $298,000.00

Q. *Special Education for Handicapped Children.*
1952-53 ..... $35,000.00
1953-54 ..... $35,000.00

R. *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, namely, KRS 161.220 to 161.710,
1952-53 ..... $1,916,000.00
1953-54 ..... $2,084,000.00

S. *In Service Teacher Training.*
1952-53 ..... $31,500.00
1953-54 ..... $32,500.00

T. *Council on Higher Education.* For participation in the veterinary training program of the Board of Control for Southern Regional Education,

1952-53 ..... $24,000.00
1953-54 ..... $36,000.00

TOTAL—DEPARTMENT OF EDUCATION
1952-53 ..... $36,376,500.00
1953-54 ..... $37,609,300.00

32. UNIVERSITY OF KENTUCKY

A. *Colleges and Experiment Stations.* For expenses of the Division of Colleges, College of Agriculture, Summer School Session, Repairs to Buildings, Library Equipment, Scientific Laboratory Equipment, Engineering Equipment, University Research—Including Coal, Geological Survey, College of Pharmacy, Experiment Station, Service Laboratories, Nursery Inspection, Princeton Sub-Station, Quicksand Sub-Station, Horticulture, Dairy Cattle Improvement, and participation under the Hope-Flannigan Act (Experiment Station), and Strawberry Marketing and Labeling Act.

1952-53 ..... $3,494,000.00
1953-54 ..... $3,744,000.00

Of the appropriation made hereby for each year of the biennium, $375,600 is allocated to the Experiment Station, Service Laboratories, Nursery Inspection, Princeton Sub-Station, Quicksand Sub-Station, Horticulture, Dairy Cattle Improvement, and participation under the Hope-Flannigan Act (Experiment Station), and Strawberry Marketing and Labeling Act.

B. *Agricultural Extension.* For expenses of Agricultural Extension, and participation under the Hope-Flannigan Act (Agricultural Extension),

1952-53 ..... $606,000.00
1953-54 ..... $606,000.00

C. *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. and M. bonds as provided by KRS 164.520,

1952-53 ..... $8,700.00
1953-54 ..... $8,700.00

D. *Southern Regional Training Program.* For expenses of participating in this program,

1952-53 ---------- $2,500.00
1953-54 ---------- $2,500.00

TOTAL—UNIVERSITY OF KENTUCKY

1952-53 ---------- $4,111,200.00
1953-54 ---------- $4,361,200.00

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33. EASTERN STATE COLLEGE

A. *Eastern State College.*

1952-53 ---------- $526,000.00
1953-54 ---------- $548,000.00

34. MOREHEAD STATE COLLEGE

A. *Morehead State College.*

1952-53 ---------- $432,000.00
1953-54 ---------- $450,000.00

35. MURRAY STATE COLLEGE

A. *Murray State College.*

1952-53 ---------- $556,000.00
1953-54 ---------- $579,000.00

36. WESTERN STATE COLLEGE

A. *Western State College.*

1952-53 ---------- $585,000.00
1953-54 ---------- $609,000.00

37. KENTUCKY STATE COLLEGE

A. *Kentucky State College.*

1952-53 ---------- $408,000.00
1953-54 ---------- $425,000.00

B. *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. and M. bonds as provided by KRS 164.520,

1952-53 ---------- $1,300.00
1953-54 ---------- $1,300.00

TOTAL—KENTUCKY STATE COLLEGE
1952-53 ..... $409,300.00
1953-54 ..... $426,300.00

TOTAL—III. EDUCATION
1952-53 ..... $42,996,000.00
1953-54 ..... $44,582,800.00

IV. AGRICULTURE AND CONSERVATION

38. DEPARTMENT OF AGRICULTURE

A. *Commissioner of Agriculture.* For expenses of the divisions within the Department and the State Board of Agriculture,
1952-53 ..... $80,000.00
1953-54 ..... $81,000.00

B. *Marketing Services.*
1952-53 ..... $51,500.00
1953-54 ..... $53,000.00

C. *Surplus Commodities Distribution.*
1952-53 ..... $32,000.00
1953-54 ..... $32,000.00

D. *T. B. Testing and Indemnities, Bang's Disease and Calfhood Vaccination.*
1952-53 ..... $105,000.00
1953-54 ..... $105,000.00

E. *4-H Club and Future Farmer Work.* For paying premiums for 4-H and Future Farmer Work and for the formation and encouragement of 4-H and Future Farmer activities in Kentucky,
1952-53 ..... $15,000.00
1953-54 ..... $16,000.00

F. *Purebred Livestock.* For the promotion, development and improvement of the purebred livestock industry in Kentucky,
1952-53 ..... $25,000.00
1953-54 ..... $26,000.00

G. *Apiary Project.*

1952-53 ..... $1,500.00
1953-54 ..... $2,000.00

TOTAL—DEPARTMENT OF AGRICULTURE

1952-53 ..... $310,000.00
1953-54 ..... $315,000.00

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39. STATE FAIR BOARD

A. *Premiums for State Fair.* For payment of premiums in accordance with KRS 247.170,

1952-53 ..... $75,000.00
1953-54 ..... $75,000.00

B. *County and Community Fair Premiums.* For supplementing premiums to county and community fair award winners exhibiting at the State Fair. This amount is to be distributed in accordance with such regulations as the State Fair Board may make.

1952-53 ..... $25,000.00
1953-54 ..... $25,000.00

TOTAL—STATE FAIR BOARD

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

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40. DEPARTMENT OF CONSERVATION

A. *Office of Commissioner.*

1952-53 ..... $48,250.00
1953-54 ..... $49,500.00

B. *Division of State Parks.*

1952-53 ..... $275,000.00
1953-54 ..... $275,000.00

C. *Division of Forestry.*

1952-53 ..... $299,250.00
1953-54 ..... $292,450.00

D. *Division of Publicity.*
1952-53 ..... $154,000.00
1953-54 ..... $144,250.00

E. *Division of Soil and Water Resources.*
1952-53 ..... $87,500.00
1953-54 ..... $88,500.00

F. *Division of Flood Control and Water Usage.*
1952-53 ..... $30,300.00
1953-54 ..... $31,500.00

G. *Ohio River Valley Sanitation Commission.*
1952-53 ..... $21,500.00
1953-54 ..... $21,500.00

TOTAL—DEPARTMENT OF CONSERVATION
1952-53 ..... $915,800.00
1953-54 ..... $902,700.00

41. KENTUCKY NATIONAL PARK COMMISSION

A. *Kentucky National Park Commission.* For maintenance of property acquired by the Commission until transferred to Federal Government for National Park purposes,
1952-53 ..... $3,500.00
1953-54 ..... $3,500.00

TOTAL—AGRICULTURE AND CONSERVATION
1952-53 ..... $1,329,300.00
1953-54 ..... $1,321,200.00

V. OTHER

42. STATE PROPERTY AND BUILDINGS COMMISSION

A. *State Property and Buildings Commission.* For rental of office space in Capitol Office Building for agencies supported by the General Fund.
1952-53 ..... $200,000.00
1953-54 ..... $200,000.00

GRAND TOTAL
1952-53 ..... $78,000,000.00
1953-54 ..... $81,000,000.00

PART TWO

NON-RECURRING COSTS—FROM SURPLUS

There is hereby appropriated out of the surplus cash balance in the State Treasury, to the credit of the General Expenditure Fund as of June 30, 1952 for each of the fiscal years 1952-53 and 1953-54, the following sums for the following departments, boards, commissions and subdivisions of the State Government listed hereinafter, for the following purposes:

I. GENERAL GOVERNMENT

1. STATUTE REVISION COMMISSION

A. *Statute Revision Commission—Printing Revolving Fund.* To be used for printing the Kentucky Revised Statutes, Notes and Annotations to the Kentucky Revised Statutes and supplements to these publications. Reimbursement shall be made to this account from sales of these publications. Any unexpended or unencumbered balance remaining at the end of fiscal year 1952-53 shall not lapse, but shall be available for expenditure during any following fiscal year.

1952-53 ..... $29,000.00

2. DEPARTMENT OF FINANCE

A. *Division of Purchases—Purchase of Paper Revolving Fund.* To be used for the purchase of paper to be held in stock until used by the various budget units. Reimbursement shall be made to this account by the budget units for paper used. Any unexpended and any unencumbered balance of this appropriation and any balance to the credit of this fund on June 30, 1952, shall not lapse at any time but shall be continuously available for expenditure for the purposes of this fund,

1952-53 ..... $15,000.00

B. *Division of Purchases—Central Stores Revolving Fund.* To be used for the purchase of supplies and services as contemplated by KRS 42.060 (3). Reimbursement shall be made to this account by the budget units for supplies and services used. Any unexpended and any unencumbered balance of this appropriation and any balance to the credit of this fund on June 30, 1952, shall not lapse at any time but shall be continuously available for expenditure for the purposes of this fund,

1952-53 ..... $10,000.00

C. *Division of Purchases—Postage Revolving Fund.* To be used for the purchase of postage to be held until used by the various budget units. Reimbursement shall be made to the account by the budget units for postage used. Any unexpended and any unencumbered balance of this appropriation and any balance to the credit of this fund on June 30, 1952, shall not lapse at any time but shall be continuously available for expenditure for the purposes of this fund,

1952-53 ..... $7,500.00

D. *Division of Engineering—Buildings Services Revolving Fund.* To be used to purchase and provide building services for the various budget units. Reimbursement shall be made to this account by the budget units for commodities furnished and services rendered. This account supersedes the Utilities Revolving Fund and all assets and obligations of that fund on June 30, 1952, are hereby transferred to and deemed to be appropriated to and assumed by the Buildings Services Revolving Fund. Any unexpended balance remaining at the end of the fiscal year 1952-53 shall not lapse, but shall be available for expenditure during any following fiscal year,

1952-53 ..... $15,000.00

TOTAL—DEPARTMENT OF FINANCE
1952-53 ..... $47,500.00

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3. DEPARTMENT OF AERONAUTICS

A. *Airport Development.* For airport development as pro-

vided for in KRS 183.760 through 183.772. No part of this appropriation shall be used for administrative expenses. Any unexpended balance of this appropriation and any balance to the credit of the Airport Development Fund on June 30, 1952, shall not lapse at any time but shall be continuously available to the Department for the purpose of carrying out the terms of the above statutory provisions.

1952-53 ----------$500,000.00
1953-54 ----------$500,000.00

4. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *Topographic Mapping Survey.* For matching available Federal Funds for compilation of modern large scale topographic maps of Kentucky. Any unexpended balance at the end of the fiscal year shall be carried over to the second,

1952-53 ----------$830,000.00

5. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Prior Year Claims.* For payment of claims authorized to be paid by KRS 45.231. Since the amount required to pay these claims cannot be anticipated with any degree of certainty, a specific appropriation is not made for this purpose and it is the intention of the General Assembly to appropriate the amount necessary to pay such claims.

6. STATE PROPERTY AND BUILDINGS COMMISSION

A. *For Capital Outlay.* For expenditure in accordance with the provisions of KRS 56.440 through 56.550. It is further provided that any necessary amount of this appropriation may be spent for administrative and operating expenses. Any unencumbered and any unexpended balance of this appropriation remaining at the end of the fiscal year for which the same is appropriated shall not lapse but may be expended for capital outlay purposes only thereafter and shall be carried forward until expended or until appropriated to the same or some other purpose or purposes by subsequent legislative action.

1952-53 ----------$10,600,000.00, together

with any unencumbered and/or unexpended balance of prior capital outlay appropriations remaining on June 30, 1952.

TOTAL—GENERAL GOVERNMENT
1952-53 ..... $12,006,500.00
1953-54 ..... $ 500,000.00

II. EDUCATION

1. DEPARTMENT OF EDUCATION

A. *Survey of School Facilities.* For matching Federal funds equally to conduct surveys of school facilities. Any unexpended balance at the end of the fiscal year shall be carried over to the second.

1952-53 ..... $ 40,000.00

B. *Teachers' Retirement System.*

1952-53 ..... $348,220.00

TOTAL—EDUCATION
1952-53 ..... $388,220.00

GRAND TOTAL
1952-53 ..... $12,394,720.00
1953-54 ..... $ 500,000.00

PART THREE

STATE ROAD FUND

There is hereby established for the purpose of paying all costs of operation and maintenance of the Department of Highways and for carrying on its activities and functions, a State Road Fund which shall consist of all of the revenue realized from fees, taxes and license fees levied for State Road Purposes now authorized by law, or that may hereafter be authorized by law, and any additional or other revenues, grants or funds, including any

amount which may be received from Federal aid or any other source pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Highways. Such receipts and revenues, together with any balance in the existing State Road Fund as of June 30, 1952, shall constitute the State Road Fund for the fiscal years 1952-53 and 1953-54. There is hereby appropriated from the State Road Fund the following amounts for the following departments, agencies, and subdivisions of the State Government, for the following purposes:

I. HIGHWAY DEPARTMENT GENERALLY

1. DEPARTMENT OF HIGHWAYS

A. *Department of Highways.* For use by the Department in activities, functions and duties performed by it as prescribed by law, all monies received and placed to the credit of the State Road Fund, not otherwise appropriated in this or any other Act.

2. RURAL HIGHWAYS

A. *Division of Rural Highways.* For improvement, construction, reconstruction and maintenance of county roads and bridges, which have not been accepted by the Department of Highways for maintenance, the sum of Five Million (5,000,000) Dollars for each of the fiscal years 1952-53 and 1953-54. This appropriation is to be expended in accordance with the provisions of KRS 179.410 to 179.430. Not more than six percent (6%) of this appropriation shall be used for administration.

B. *Secondary and Rural Roads.* For the construction, reconstruction and maintenance of secondary and rural roads, two-sevenths of all revenue received under the provisions of KRS 138.320. This appropriation is in addition to the amount appropriated under Section I, sub-section 2, paragraph A of Part Three of this Appropriation Act.

II. APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

3. DEPARTMENT OF TREASURY

A. *Department of Treasury.* For expenses pertaining to

to treasury administration for the Department of Highways. This appropriation is in addition to the amount appropriated to the Department from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ----------$26,000.00
1953-54 ----------$27,500.00

4. DEPARTMENT OF FINANCE

A. *Department of Finance.* For expenses pertaining to financial and personnel administration for the Department of Highways. This appropriation is in addition to the amount appropriated to the Department from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ----------$157,780.00
1953-54 ----------$166,950.00

5. DEPARTMENT OF REVENUE

A. *Department of Revenue.* For administering and enforcing the laws pertaining to the gasoline, motor fuels and any other taxes comprising the State Road Fund, and administering and enforcing the laws relating to motor vehicle registration, motorist's financial responsibility and other laws relating to motor vehicles and highways. This appropriation is in addition to the amount appropriated to the Department from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ----------$856,800.00
1953-54 ----------$887,500.00

6. DEPARTMENT OF STATE POLICE

A. *Department of State Police.* For expenses of operation of the Department as provided by law. This appropriation is in addition to the amount appropriated to the Department from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ----------$1,588,200.00
1953-54 ----------$1,799,600.00

7. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

For expenses pertaining to the following projects. This ap-

propriation is in addition to the amount appropriated to the Board in Parts One and Two of this Appropriation Act.

A. *Topographic Mapping Survey*

1952-53 ..... $415,000.00
1953-54 ..... $415,000.00

B. *Water Survey*

1952-53 ..... $51,666.00
1953-54 ..... $51,666.00

8. DEPARTMENT OF MOTOR TRANSPORTATION

A. *Department of Motor Transportation*

1952-53 ..... $322,000.00
1953-54 ..... $343,000.00

9. DEPARTMENT OF CONSERVATION

A. *Department of Conservation, Division of Publicity.* For expenses incident to the preparation, publication and distribution of road maps, booklets, photographs, advertisements and other activities intended to advertise and publicize Kentucky highways and highway conditions, tourist, scenic and travel attractions and places of interest to motorists. The authority for such expenditures granted to the Department of Highways by KRS 176.055 is hereby transferred to the Department of Conservation, Division of Publicity. This appropriation is in addition to the amount appropriated to the Department of Conservation, Division of Publicity, from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ..... $225,000.00
1953-54 ..... $225,000.00

10. TRAFFIC SAFETY PROGRAM

A. *Traffic Safety Program.* For expenses relating to this program.

1952-53 ..... $16,000.00

TOTAL—APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

1952-53 ..... $3,658,446.00
1953-54 ..... $3,916,216.00

III. ADMINISTRATION AND EFFECT

11. All funds appropriated to the Department of Highways by Section I of Part Three of this Act (Highway Department Generally) shall be allocated equitably by the Commissioner of Highways, with the approval of the Commissioner of Finance, between the various activities and functions of the Department of Highways.

12. The appropriations made by this Act are subject to the provisions of Chapters 12, 42 and 45 of the Kentucky Revised Statutes. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year of the State Road Fund ending June 30, 1952.

PART FOUR

REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various boards, commissions, institutions, agencies and/or subdivisions of the State Government only as are listed herein for the fiscal year ending June 30, 1953, and for the fiscal year ending June 30, 1954, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, federal grants and other federal receipts and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below named agencies of the State Government, the receipts which are received by each of the respective agencies of the State Government listed herein which receipts are placed to the credit of a Revolving or Trust and Agency Fund out of which shall be established separate Revolving or Trust and Agency Fund Accounts for the use and benefit of these agencies of the State Government. The total amount any agency may requisition for expenditure from the Revolving or Trust and Agency Fund Account, through the Department of Finance, shall not during the fiscal year ending June 30, 1953, nor during the fiscal year ending June 30, 1954, exceed the amount placed to the credit of the Revolving or Trust and Agency Fund for such year, out of which has been established a

Revolving or Trust and Agency Fund Account for each separate agency during such fiscal year, plus any balance which said agency may have had forwarded from the preceding year on or before September 30 of the then current fiscal year, by the Department of Finance.

I. GENERAL GOVERNMENT

1. JUDICIARY

A. *Board of Bar Examiners.*

2. SECRETARY OF STATE

A. *Expenses of Federal Elections.* All money received from the Federal Government to reimburse the State for expenses incurred in elections for Federal officers.

3. AUDITOR OF PUBLIC ACCOUNTS

A. *County Audits.* For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in KRS 43.070 and all other fees that may be received in connection with such examination.

4. COUNTY COSTS

A. *Truck Licenses—County Portion.* There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

B. *Legal Process Taxes.* As contemplated by KRS 47.110.

5. DEPARTMENT OF REVENUE

A. *Back Tax Section (Delinquent Taxes).* There shall be credited to this Revolving Fund such fees and revenue as are provided for by KRS 134.400.

6. DEPARTMENT OF MILITARY AFFAIRS

A. *Industrial Peace Officers.* All fees paid under KRS 61.360.

B. *Adjutant General Welfare Fund.*

7. DEPARTMENT OF AERONAUTICS

A. *Department of Aeronautics.*

8. DEPARTMENT OF STATE POLICE

A. *Department of State Police.*

9. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *Agricultural and Industrial Development Board.*

10. DEPARTMENT OF LIBRARY AND ARCHIVES

A. *Kentucky State Historical Society.*

B. *Library Extension Division.*

C. *State Board of Certification of Librarians.*

11. DEPARTMENT OF INSURANCE

A. *Fire Prevention.* All fees, receipts, collections and assessments paid into the State Treasury during the calendar years 1952 and 1953, under KRS 136.360, and also an amount equal to twenty five (25%) percent of all fees and other receipts paid into the State Treasury during such years, pursuant to the provisions of sub-sections 1 through 10 except 9 of KRS 304.460, are hereby appropriated to the Fire Prevention and Rates Section for the fiscal years ending June 30, 1953 and June 30, 1954, respectively.

B. *Custodian of Securities.* All sums paid for expenses under the provisions of KRS 304.503.

C. *Insurance Examiners Expense.* All fees paid pursuant to the provisions of KRS 304.035.

D. *Liquefied Petroleum.* All fees paid pursuant to the provisions of KRS 234.030.

E. *Examination of Insurance Agents.* All fees paid pursuant to KRS 304.460 (9).

12. DEPARTMENT OF BUSINESS REGULATION

A. *State Board of Accountancy.*

B. *State Board of Examiners and Registration of Architects.*

C. *State Board of Barbers and Beauticians Examiners.*

D. *State Board of Chiropractic Examiners.*

E. *State Board of Dental Examiners.*

F. *State Board of Embalmers.*

G. *State Board of Pharmacy—Prophylactic Enforcement.*

H. *State Board of Pharmacy.*

I. *State Board of Nurses Education and Nurses Registration.*

J. *State Board of Veterinary Examiners.*

K. *State Board of Professional Engineers.*

L. *State Real Estate Commission.*

M. *State Board of Psychologists.*

N. *State Board of Optometric Examiners.*

13. PUBLIC SERVICE COMMISSION

A. *Public Service Commission.* The fees collected subject to the provisions of KRS 278.130 to 278.150.

14. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Workmen's Compensation Board.* Subject to the provisions of KRS 342.485 and 342.122.

15. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals.*

16. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Alcoholic Beverage Confiscation Expense.* As contemplated by KRS 244.190 (3).

17. DEPARTMENT OF BANKING

A. *Department of Banking.*

B. *Division of Securities.*

18. STATE PROPERTY AND BUILDINGS COMMISSION

A. *State Property and Buildings Commission.*

19. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Jefferson County Master Commissioner.*

B. *Jefferson County Fees.* For paying various officials of Jefferson County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

C. *Kenton County Fees.* For paying various officials of Kenton County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

D. *Fayette County Fees.* For paying various officials of Fayette County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

E. *Campbell County Fees.* For paying various officials of Campbell County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court

of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

F. *Pike County Fees.* For paying various officials of Pike County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

G. Any other counties that may come within the purview of KRS 64.350 and Section 106, Kentucky Constitution, during the fiscal years ending June 30, 1953 and June 30, 1954.

II WELFARE

20. DEPARTMENT OF WELFARE

A. *Department of Welfare.*

21. DEPARTMENT OF ECONOMIC SECURITY

A. *Department of Economic Security.*

B. *Bureau of Employment Security.*

C. *Division of Personnel Security—Administration.* County and Municipality contributions.

22. DEPARTMENT OF HEALTH

A. *Department of Health.*

B. *County Health Units and Departments.*

C. *Heart Disease.*

D. *Kentucky Division of Women's Field Army of American Society for Control of Cancer.*

E. *Kentucky Crippled Children's Commission.*

23. STATE TUBERCULOSIS SANATORIA COMMISSION

A. *State Tuberculosis Sanatoria Commission.*

III EDUCATION

24. DEPARTMENT OF EDUCATION

A. *Department of Education.*

25. UNIVERSITY OF KENTUCKY

A. *University of Kentucky.*

26. EASTERN STATE COLLEGE

A. *Eastern State College.*

27. MOREHEAD STATE COLLEGE

A. *Morehead State College.*

28. MURRAY STATE COLLEGE

A. *Murray State College.*

29. WESTERN STATE COLLEGE

A. *Western State College.*

30. KENTUCKY STATE COLLEGE

A. *Kentucky State College.*

IV AGRICULTURE AND CONSERVATION

31. DEPARTMENT OF AGRICULTURE

A. *Department of Agriculture.*

32. STATE FAIR BOARD

A. *State Fair Board.*

33. DEPARTMENT OF CONSERVATION

A. *Division of State Parks.*
B. *Division of Forestry.*
C. *Division of Publicity.*
D. *Division of Soil and Water Resources.*
E. *Kentucky National Park Commission.*
F. *National Forest Fund.*
G. *Federal Flood Control Payments.*

34. GAME AND FISH

A. *Department of Game and Fish.*

PART FIVE
GENERAL PROVISION

1. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1952 and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance. All questions that arise in interpreting any appropriation in this Act as to the purposes for which the same may be expended shall be decided by the Commissioner of Finance in accordance with the detailed estimates embodied in the budget report as considered by the General Assembly, and the decision of the Commissioner of Finance shall be final and conclusive.

2. Whereas, the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are hereby made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Legislature that the State expenditures for each fiscal year covered in this Act shall not exceed the total revenues anticipated to accrue to the General Expenditure Fund for the same fiscal year. As the conditions can not be finally determined until after the adjournment of this session of the Legislature, and as the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues accruing to the General Fund can not be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State Government, and to ascertain the total revenue anticipated to accrue to the General Expenditure Fund of the Commonwealth, and upon the ascer-

tainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general law, is hereby authorized, empowered and directed by the Legislature to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution or subdivision of the State Government that will actually impair the necessary constitutional functions of any agency whose operations and functions are determined to be necessary constitutional functions of government.

3. Since the total amount of revenue accruing to the General Expenditure Fund can only be anticipated and not finally determined at this time and since it cannot be finally ascertained at this time whether total revenues accruing to the General Expenditure Fund will equal appropriations therefrom, it is the intention and purpose of this General Assembly that any available Surplus in the General Expenditure Fund may be used to fulfill appropriations made in Part One of this Appropriation Act, but only in the event such appropriations exceed the total of revenues accruing to the General Expenditure Fund.

4. In the event receipts to the General Expenditure Fund from current revenues for the fiscal year 1952-53 exceed the sum of Seventy Eight Million Dollars ($78,000,000) such excess, but not to exceed Three Million Dollars ($3,000,000) is hereby appropriated to the Governor's Special Emergency Fund to be used by him for the fiscal year of 1953-54 for supplementing existing appropriations for ordinary recurring and extraordinary governmental expenses deemed emergencies by the Governor and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of all or any part of said fund.

5. In enacting this Budget Appropriation Law, it is the deliberate intention of the General Assembly to enact each section, and each sub-section thereof, as a separate and/or specific

appropriation and law, and if any section or any sub-section thereof shall be held invalid, or unconstitutional the decision of the courts shall not affect or impair any of the remaining sections, sub-sections, or provisions contained herein.

6. All continuing appropriations in existence at the time this Act takes effect are hereby discontinued and repealed by this Act, except as provided by Chapters 12, 42, and 45 of the Kentucky Revised Statutes. All laws and parts of laws in conflict with any of the provisions of the above enactments, to the extent of such conflict, are hereby repealed.

M. Lowman offered the following amendments to said bill, viz:

Amendment No. 1. Amend printed copy of House Bill No. 12 on page 30, section V, line 6 by striking the word "GRANT" and substituting therefor the word "GRAND".

Amendment No. 2. Amend printed copy of House Bill No. 12 on page 31, section 2, line 2 by striking the word "ofr" and substituting therefor the word "for".

Amendment No. 3. Amend printed copy of House Bill No. 12 on page 35, Part 3, line 15 by inserting between the words "Fund" and "the" the words "the following amounts for".

Amendment No. 4. Amend printed copy of House Bill No. 12 on page 49, Part V, Section 3 Line 57 by striking the word "in" immediately preceding the word "fullfill" and substituting therefor the word "to".

Said amendments were each and severally agreed to.

Mr. Loman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?" Which was decided in the affirmative.

Mr. Heyburn moved that H. B. No. 12 be recommitted to the Committee on Appropriations.

The Speaker declared said motion out of order, for reasons, viz:

(The previous question having been ordered, it takes precedence over the motion to recommit)

Ordered that said bill be engrossed and read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Mr. Lowman moved that the rules be suspended, and that the opponents and proponents be given twenty minutes to the side to debate the measure.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

Those who voted in the affirmative were, viz:

Bill Adams	Lewis W. Combest	Henry C. Hale
Dr. John Adkins, Jr.	Marvin A. Cornett	Eugene B. Hancock
Henry Arrowood	Josh R. Cosby	George F. Harris
Everett J. Bach	Charles M. Crowe	John Head
Sidney Baer	J. C. Denney, Jr.	Farmer Helton
John Rhea Banton	C. E. Dowell	William K. Henry
Clarence J. Barnum	James A. Dressman, Jr.	Thomas D. Hewlett
Owen Billington	Thomas R. Duncan	E. R. Hilton
Wm. W. Blanton	R. L. Dunigan	Ray Holbrook
R. O. Blevins	Jack Early	Chester J. Holsclaw
J. C. Bradley	Harold Edwards	William M. Horn
Edw. T. Breathitt	William Engle	Paul S. Jonas
Edward O. Bridgers	Roscoe Estep	William L. Jones
Thomas L. Britton	Herbert Fern	Jennings Kearby
Mrs. Mary E. Burnete	Wm. P. Friedlander	James W. Lambert
Alex H. Calvert	Henry J. Giles	Jesse H. Lawrence
Walter J. Chyle, Jr.	Chas. M. Greene	Paul M. Lewis

Mrs. J. T. Linton	Tipton Reed	William F. Threlkeld
Harry K. Lowman	J. F. Robinson	Marion Vance
William Maglinger	Earl Rogers	J. B. Veech
Shelby McCallum	Joe Rouse	Eulick (Mike) Walsh
G. Lee McClain	Carl J. Ruh	Wm. Thos. Wathen
Russell L. Meadows	Amos Runyon	L. M. Weathers
Tom Mobley	Cecil Sanders	W. W. Webster
Robert H. Moore	Clem Schroader	Hicks Wells
Walter R. Moorman	Gus F. Sheehan, Jr.	William B. Wells
Fred H. Morgan	Dr. B. F. Shields	W.A.(Pete)Wickliffe
Earl F. Murphy	John A. Sloan	Charles W. Wirsch
Thomas J. Murphy	E. A. Spencer	Walker H. Wiseman
Ewin C. Neville	Mrs. Thelma Stovall	Garrett L. Withers
Bart N. Peak	E. H. (Ted) Stumbo	Charles W. Burnley
Louis T. Peniston	Egbert V. Taylor	Speaker
Hobart Rayburn	Albert Thomason	—97

Those who voted in the negative were, viz:

Leslie Gay	Henry R. Heyburn	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be reported to the Senate by the Chief Clerk of the House.

Mr. Blanton moved that the Committee heretofore appointed to investigate as to whether social security and withholding tax should be deducted from the salary of the members of the House, be directed to make a further study of this matter, and make a report to the House at a later date.

Said motion was agreed to.

Mr. Lowman moved that the House do now adjourn to meet again at 1:00 o'clock p.m., Wednesday, January 23, 1952.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 23, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Jack Early, pastor of the Methodist Church, Irvine, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Henry J. Giles	Thomas J. Murphy
Dr. John Adkins, Jr.	Chas. M. Greene	Ewin C. Neville
Henry Arrowood	Henry C. Hale	Bart N. Peak
Everett J. Bach	Eugene B. Hancock	Louis T. Peniston
Sidney Baer	George F. Harris	Hobart Rayburn
Clarence J. Barnum	John Head	Tipton Reed
Owen Billington	Farmer Helton	J. F. Robinson
Wm. W. Blanton	William K. Henry	Earl Rogers
R. O. Blevins	Thomas D. Hewlett	Joe Rouse
J. C. Bradley	Henry R. Heyburn	Carl J. Ruh
Edw. T. Breathitt	E. R. Hilton	Amos Runyon
Edward O. Bridgers	Ray Holbrook	Cecil Sanders
Thomas L. Britton	Chester J. Holsclaw	Clem Schroader
Mrs. Mary E. Burnete	William M. Horn	Gus F. Sheehan, Jr.
Alex H. Calvert	Paul S. Jonas	Dr. B. F. Shields
Walter J. Chyle, Jr.	William L. Jones	E. A. Spencer
Lewis W. Combest	Jennings Kearby	Mrs. Thelma Stovall
Marvin A. Cornett	James W. Lambert	E. H. (Ted) Stumbo
Josh R. Cosby	Jesse H. Lawrence	Egbert V. Taylor
Charles M. Crowe	Mrs. J. T. Linton	Albert Thomason
C. E. Dowell	Harry K. Lowman	William F. Threlkeld
James A. Dressman, Jr.	William Maglinger	Marion Vance
Thomas R. Duncan	Shelby McCallum	J. B. Veech
R. L. Dunigan	G. Lee McClain	Eulick (Mike) Walsh
Jack Early	Russell L. Meadows	Wm. Thos. Wathen
Harold Edwards	Tom Mobley	L. M. Weathers
William Engle	Robert H. Moore	W. W. Webster
Roscoe Estep	Walter R. Moorman	Morris Weintraub
Wm. P. Friedlander	Fred H. Morgan	Hicks Wells
Leslie Gay	Earl F. Murphy	William B. Wells

W. A. (Pete) Wickliffe Walker H. Wiseman Charles W. Burnley
Charles W. Wirsch Garrett L. Withers Speaker

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees being as follows: John Rhea Banton, J. C. Denney, Jr., Herbert Fern, Paul M. Lewis, John A. Sloan.

Mr. Barnum moved that the reading of the Journal of the proceedings of Tuesday, January 22, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

RESOLUTIONS

Resolutions of the following titles were introduced, viz:

By Mr. Bach.

H. Res. No. 9. A JOINT RESOLUTION MEMORIALIZING Congress to continue to maintain and operate certain improvements in the Kentucky River.

Said resolution is as follows, viz:

A JOINT RESOLUTION memorializing Congress to continue to maintain and operate certain improvements in the Kentucky River.

WHEREAS, the United States Corps of Engineers has given notice that Locks and Dams 8 through 14 on the Kentucky River will no longer be operated and maintained by that Division after June 30, 1952, unless the reported prospective benefits from the use of those navigation structures by commerce and navigation are reasonably assured and sufficient to justify the cost of operation and maintenance thereof; and

WHEREAS, the Kentucky River Collieries Company has leased 5,000 acres of coal land, made contracts for the mining thereof, started construction work on a barge loading tipple at Beattyville, Kentucky, and executed contracts for barge service, all of which represents an investment of more than $500,000; and

WHEREAS, the Falls City Boat Works of Louisville, Kentucky, has purchased two tugs and ordered six special barges to fulfill its obligations under the contract with Kentucky River Collieries Company, representing an investment of approximately $70,000; and

WHEREAS, numerous other commercial enterprises are in the planning stages all of which, together with the indicated operations of the Kentucky River Collieries Company and the Falls City Boat Works, depend almost completely upon the continued mainteance and operation of Locks and Dams 8 through 14 on the Kentucky River; and

WHEREAS, the abandonment of the commercial enterprises set out herein would have a most depressing effect upon the present and contemplated economy of the Upper Kentucky River Valley.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Congress of the United States is hereby requested to continue the maintenance and operation of Locks and Dams Nos. 8 through 14 on the Kentucky River.

That the Clerk of the House of Representatives is directed to forward copies of this Resolution to each member of Congress from Kentucky and to the Clerks of the Senate and House of Representatives of the Congress of the United States.

By Mr. Peniston.

H. Res. No. 10. A JOINT RESOLUTION authorizing Coburn Bach, as the father and next friend of Jimmy Bach, an infant, to sue the Department of Military Affairs and the Commonwealth of Kentucky, or either.

Said resolution was ordered printed and referred to the Committee on Claims.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Coburn Bach, as the father and next

friend of Jimmy Bach, an infant of Rossmoyne, Ohio, for and on behalf of Jimmy Bach, is authorized to sue the Department of Military Affairs and the Commonwealth of Kentucky, or either, in the Gallatin Circuit Court, for damages resulting from personal injuries and medical expenses caused by alleged negligence on the part of employes of the Department of Military Affairs while acting in the line of duty.

Section 2. The suit shall be for a sum not in excess of fifty thousand dollars.

Section 3. The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Peniston.

H. Res. No. 11. A JOINT RESOLUTION authorizing Curt McCarty, an infant, to sue the Commonwealth of Kentucky and the Department of Military Affairs, or either.

Said resolution was ordered printed and referred to the Committee on Claims.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Curt McCarty, as the next friend of H. K. McCarty, an infant of Henry County, Kentucky, for and on behalf of Curt McCarty, is authorized to sue the Commonwealth of Kentucky and the Department of Military Affairs, or either

in the Gallatin Circuit Court, for damages resulting from personal injuries and medical expenses caused by alleged negligence on the part of employes of the Department of Military Affairs while acting in the line of duty.

Section 2. The suit shall be for a sum not in excess of fifty thousand dollars.

Section 3. The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the court or jury as as admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Lowman.

H. B. No. 95. AN ACT relating to qualification, registration and purgation of voters.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. **Qualification of voters in regular and special elections; registration required.** Every person, male or female, who possesses, on the day of any regular or special election, the qualifications set forth in Section 145 of the Constitution, who is not disqualified under that section or under any statute, and

who is registered as provided in this Act, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he is qualified to vote under Section 145 of the Constitution. No person shall be permitted to vote at any regular, primary or special election unless he is registered as provided in this Act.

Section 2. **Residence requirement; how determined.** The following rules, so far as applicable, shall be observed in determining the residence of a person offering to vote:

(1) A voter's residence shall be deemed to be at the place where his habitation is, and to which, when absent, he has the intention of returning.

(2) A voter shall not lose his residence by absence for temporary purposes merely; nor shall he obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct his home.

(3) A voter shall lose his residence by removal to another state or county with intention to make his permanent residence there, or by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even though he may have had the intention to return to this state at some future period.

(4) The place where the family of a married man resides shall generally be considered his residence, unless the family so resides for a temporary purpose. If his family is permanently in one place, and he transacts his business in another, the former shall be his residence.

Section 3. **Persons permitted to register.** Any person, male or female, may register as a voter during the period the registration books are open if he possesses or will possess on the day of the next regular election, the qualifications set forth in Section 145 of the Constitution. Any member of the armed services while on extended duty may register at any time, provided he possesses the necessary qualifications.

Section 4. **Time and place of registration; when books to be closed; changing party affiliation without appearing in per-**

son. (1) Any person possessing the qualifications for registration as a legal voter may appear before the county clerk of the county of his residence or at the temporary branch offices authorized by the County Board of Registration and Purgation, or at the permanent office or a branch office of the board of registration commissioners if he resides in a city of the first class, and register, or change his party affiliation, at any hour of any day that the office of the county clerk or said temporary branch office or the board of registration commissioners is open for business. The county clerk of every county and the board of registration commissioners of every city of the first class shall cause all registration books or lists to be closed fifty-nine days prior to, and five days following, any primary or general election, and ten days prior to any special election, and no voter shall be registered or be permitted to change his registration during the period that the books are closed.

(2) In all counties the county clerk, when authorized by the county board, shall receive registrations, transfers, or change of party affiliation at branch offices at any place in the county, provided such offices are housed in a public building to be selected by the county board. The branch offices shall not be open for a longer period than fifteen days, prior to the closing of the registration books prior to any primary or general election, and but one branch office shall be open in any county at the same time. Any person possessing the qualifications for registration as a legal voter of any voting precinct in the county may appear before the clerk during the period the books are open at the office or branch office, and register or change his party affiliation or transfer his registration card.

(3) For the purpose of registering voters in a city of the second or third class which is not the county seat, the county clerk shall maintain a branch office in the courthouse or city hall of the city and take thereto the registration books for each voting precinct in the city and keep them there during the periods the books are open.

(4) Any voter who wishes to change his party affiliation and who does not wish to apply in person may apply to the county clerk, or to the board of registration commissioners if he

resides in a city of the first class, by letter or by form which may be provided. The clerk or board shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the clerk or the board within ten days from the date of notice. If no protest is filed within the ten-day period, the county clerk or the board shall change the party affiliation of the voter as requested. If a protest is filed, the change shall not be made until the clerk or the board has investigated the matter and given the protesting voter an opportunity to be heard. The date on which the change is made shall be noted on the voter's registration record. No change of party affiliation shall be made except on those days when registrations are allowed under subsection (1) of this section.

Section 5. **Registrant to appear in person; challenge.** No person shall be registered outside of cities of the first class who does not personally appear before the county clerk at one of the places and within the times set out in section 4 of this Act. If the voter is not known to the clerk, or if any bystander challenges the voter's right to register, the voter shall be sworn by the clerk and shall answer all questions asked him by the clerk or bystander touching his qualifications as a voter, or his right to be registered, and on the registration book opposite the name of the voter the clerk shall write the words, "sworn as to qualifications."

Section 6. **Forms for registration.** (1) The State Board of Registration and Purgation shall constitute a board to prepare blanks and all other forms for the registration, purgation, transfers, etc. of voters outside of cities of the first class. The blanks and forms shall be printed, prepared and furnished as other books are now printed and prepared for the state, and shall be paid for out of the State Treasury. Separate card or loose-leaf registration record forms for the registration of the individual voters shall be prepared in duplicate, upon durable paper and of convenient size and shape as determined by the board, the original cards or forms being printed upon white paper and marked "Original," and the duplicates printed upon paper of another color and marked "Copy," each of the cards or forms providing

for the entry thereon of the following information, signature and affidavit of the voter:

Date of Registration _____

Serial Number _____

Name of Voter _____

Address _____

(Number) (Street) (City or post office) (County road) (Box No.)

Nearest neighbor, if not in city or town_____

_____ _____

Term of Residence: State _____

County _____

Precinct _____

Color _____

Occupation _____

Party Affiliation _____ Sex_____

Apparent Weight _____

Apparent Height _____

Other Means of Identification _____

_____

_____Signature of Voter

Attest: _____

Clerk of _____County Court

VOTING RECORD

Mark the appropriate space for each election at which the elector votes.

	Primary	General		Primary	General		Primary	General
1952			1959			1966		
1953			1960			1967		
1954			1961			1968		
1955			1962			1969		
1956			1963			1970		
1957			1964			1971		
1958			1965			1972		

(2) The county court clerk shall issue special instructions to election officers, advising them of the necessity of keeping the voting record of each voter.

Section 7. **Forms to be made out and signed; preservations; lists of voters.** (1) At the time of registering a voter outside of cities of the first class, the county clerk shall enter upon the original record form the name of the voter and all other information called for on the form. After the entries have been made, the voter shall write his signature upon both the original and copy record forms. If any applicant for registration states under oath that he cannot write his name, the clerk shall sign the registration record forms for such person, and such person shall sign the records by making his mark thereon and the clerk shall attest the same. The clerk, at the time of registering the voter or as soon thereafter as practicable, shall enter upon the copy record form the name of the voter together with all of the information appearing on the original record form, so that the copy

form shall be an exact duplicate of the original, and shall at all times keep in a safe place in his office both the original and copy record forms, except that the copy forms shall be furnished to the election officers as provided in Section 10 of this Act. The original and copy record forms shall be filed in securely locked binders or card files, by precincts, in such systematic order as is prescribed by the State Board of Registration and Purgation, and shall constitute the precinct registers to be used as provided in this Act.

(2) Immediately after the closing of the registration books as provided in Section 4 of this Act, the county clerk shall prepare a list, in quadruplicate, of all registered voters in each precinct as shown by his registration books, and shall furnish one copy, without cost, to the county board of registration and purgation. After the county board of registration and purgation has completed its purgation of the registration lists and has notified the county clerk of the names purged, he shall strike those names from the quadruple lists prepared by him. The lists so corrected shall be furnished in triplicate to the election clerks as provided in Section 10 of this Act.

Section 8. **Replacement of lost or destroyed forms; re-registration.** (1) If any original or copy registration record form, outside of cities of the first class, is lost or destroyed, or becomes in such condition as to render it difficult or unsafe to use, the county clerk shall cause a new registration record form to be made and executed in such manner as may be necessary, consistent with the provisions of this Act, the cost to be paid out of the county treasury. If the re-registration of the voters of an entire precinct so becomes necessary, it shall be held in the precinct at the next ensuing primary or general election, in the same manner as the initial registration was made under Chapter 45 of the Acts of 1936. If such re-registration is made necessary by the loss or destruction of registration records through the negligence or willful misconduct of any person, that person shall be liable to the state for the cost of the re-registration, to be recovered in a civil action in the name of the state.

(2) Any voter who changes his name, by marriage or other-

wise, shall be required to register anew, and the old registration record of such voter shall be marked "Cancelled. Name changed to _____." The old record shall then be placed in the cancelled registrations file and the copies thereof disposed of as provided in section 57 of this Act.

(3) The board shall use the information in the office of the county clerk on marriages, change of name, etc. to make the cancellations authorized by subsection (2), but shall do so only after a five days notice by mail. If any protest is filed, the board shall hear said protestant after notice by mail of five days.

Section 9. **Transferring registration.** (1) When a voter registered outside of cities of the first class changes his place of residence from one precinct to another in the same county, he may apply to the county clerk in person or by letter to have his registration record transferred to the proper precinct. If by letter, the clerk shall mail to the voter, a form to be prescribed by the State Board of Registration and Purgation which the voter shall fill out and return to the clerk. The clerk shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the county clerk within five days from the date of the notice. If no protest is filed within the period of five days the county clerk shall change the registration record to the proper precinct as requested. If protest is filed within the five-day period, the change shall not be made until the clerk has investigated the matter and given the protesting voter an opportunity to be heard by the board. When a change is so made, the clerk shall, under the head "remarks" or on the back of his original and copy registration record forms, write the words "removed to _____ precinct," and the date. Such transfers shall be registered only on those days when registrations are allowed under Section 4 or as provided in Section 53 of this Act.

(2) If any area in a county containing a city of the first class shall be annexed by said city then the clerk shall transfer

all registration records of persons residing in the annexed area to the City Board, and said persons shall not be required to re-register.

(3) When the boundaries of any precinct are changed by law and the change places a registered voter in a new or different precinct, the county clerk shall transfer the individual registration record of the voter to the precinct registrar for the precinct in which he is placed by the change of boundary. The transfer shall be made automatically, without any application therefor by the voter. The date on which the change is made and the reason therefor shall be noted on the individual's registration record, and a notice thereof shall be mailed by the county clerk to the voter, advising him thereof and the reason therefor.

(4) Every supplier of gas, water, telephone service and electric current operating in the county shall, every Monday, furnish to the county court clerk a certified report containing the names of all persons who have, during the week immediately preceding, ordered gas, water, electric current or telephone service to be installed, removed or discontinued, with the address at which the services were ordered to be installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the clerk and county board only for the purpose of correcting its records as provided in this Section.

(5) The clerk may, upon the application of any registered voter, or upon the basis of reliable information obtained or furnished from any source, transfer the registration records of any voter to the precinct where it belongs, but no such transfer shall be made unless notice has been mailed to the voter at the address appearing on the existing registration records, stating that his registration will be transferred, for the reason stated in the notice. Unless protest is filed within five days, the transfer shall not be made until the five day period has expired. If protest is filed, the matter shall be brought to the attention of the board by the clerk, and the protestant shall be given a hearing at the next meeting of the board, of which meeting the protestant shall have a five day notice by mail.

Section 10. **Register and list of voters to be delivered to**

election clerk. At the same time the county clerk delivers the ballots at each primary, special or regular election, he shall deliver to the precinct election clerk of each precinct the precinct register containing the copy record forms, after having first securely locked them in the binders or containers, and a correct single-spaced typewritten list, in triplicate, of all voters then registered in the precinct and entitled to vote in the election, giving the name and address of each voter, each page of the list being separately attested by the county clerk. The election clerk shall give the county clerk a receipt for the precinct register. The election clerk shall cause the precinct register to be produced at the proper polling place in his precinct at the opening of the polls on election day, and he shall, at the opening of the polls, post one copy of the typewritten list outside the entrance to the voting place, and deliver one copy to the sheriff of the election, retaining the third copy for the use of himself and the judges of the election. At the close of the polls the election clerk shall deposit one copy of the list in the ballot box. The election officers who return the ballot boxes to the county clerk's office shall at the same time return the precinct register to the county clerk and secure a receipt therefor.

Section 11. (1) Section 30 of this Act shall apply to all counties as well as to cities of the first class, except that where board of registration commissioners is used in that section with reference to cities of the first class, it shall, when applied to counties, refer to the county board of registration and purgation.

(2) The clerk of each precinct, immediately after issuing the ballot to any voter at every primary and regular election, shall indicate in the proper place on the registration record that such person voted at the election.

(3) The fact that a person is registered constitutes only prima facie evidence of his right to vote and does not prevent the officers of any primary, special or regular election from refusing to issue him a ballot for causes and in the manner provided by the general election laws of the state.

Section 12. **Right to inspect and obtain copies of registra-**

tion books. The county clerk shall permit any citizen, at all reasonable hours, to inspect or make copies of any registration book, without any fee. He shall, upon request, furnish to any person a copy of the registration books, for which he shall receive the compensation provided in section 13 of this Act.

Section 13. **Fees allowed county clerk.** (1) The county clerk is entitled to collect:

(a) For original registration, ten cents for each person registered.

(b) For copying from the original registry into the copy book, or copying from the original for the use of any person, five cents per name, including data and remarks.

(c) For making copies of any registration books lost, mutilated or destroyed, five cents per name, including data and remarks.

(d) For preparing the lists of registered voters for use of election officers as required by section 10 of this Act, two cents for each name listed on the original copy only.

(2) The fees shall be paid by the county, except where the copying is done for an individual at his request.

Section 14. **Powers and liabilities of deputy county clerk.** Any duty imposed on the county clerk relating to registration and purgation may be performed by any deputy county clerk. The deputy clerk shall be subject to all penalties provided against the clerk under the statutes relating to registration and purgation.

Section 15. **Definition of "city executive committee."** The term "city executive committee," when used in this Act, refers to the governing body of each of the two political parties receiving the largest number of votes at the last preceding regular election in any county containing a city of the first class. If there are two or more contending city executive committees of

the same political party in the county, the term shall refer to the committee that is recognized by the state central committee of that party, as evidenced by the written certificate of its chairman.

Section 16. **Board of registration commissioners; powers; qualifications; compensation.** Each city of the first class shall have a body corporate designated as "The Board of Registration Commissioners of the City of————————." The administration of registration for elections and purgation of registration in such city shall be under the supervision and control of the board. The board may make contracts, sue and be sued, and adopt a common .seal. The board may adopt reasonable rules and regulations necessary for the proper conduct of its office and the discharge of its duties. If the members of the board cannot agree upon any question arising in connection with the administration of their duties, the mayor shall cast the deciding vote. The board shall consist of two members who are citizens and registered voters of the city for which they are appointed and not less than twenty-five years of age. Each member shall, before taking office, take an oath that he possesses the required qualifications, and before making any appointment to the board the mayor shall determine that the proposed appointees possess the required qualifications. Each member of the board shall receive a reasonable compensation fixed by ordinance, but not less than $1,200 per year.

Section 17. **Appointment of board members; term.** (1) On January 1 every fourth year, beginning with 1950, the mayor of each city of the first class shall appoint two members of the board of registration commissioners, who shall hold office for a term of four years and until their successors are appointed and have qualified. The members shall be eligible for reappointment and to succeed themselves.

(2) Each of the city executive committees shall, on or before December 1 every fourth year, beginning with 1949, submit to the mayor a written list of five persons possessing the required qualifications for members of the board. If the persons so nominated are not, in the opinion of the mayor, competent or desirable for appointment, the major may within five days thereafter request the city executive committee to submit

a new list, and the committee shall within five days thereafter submit to the mayor a new written list of five persons possessing the required qualifications. From all the names submitted to the mayor, he shall appoint the members of the board, so that the board will be composed of one member from each of the two political parties that received the largest number of votes at the last preceding regular election in the county.

(3) If either of the city executive committees fails to submit a list, the major may select and appoint as a member of the board any qualified person who is registered as a member of and supported at the last regular election the nominees of the political party represented by the city executive committee that failed to furnish a list.

Section 18. **Removals; vacancies; incompatible offices.** (1) The mayor shall remove any member of the board of registration commissioners who is or becomes disqualified, and shall remove any member upon written request of the city executive committee that nominated the member. The mayor may at any time, without cause, remove the commissioner nominated by the city executive committee of the party with which the mayor is affiliated. Orders of removal shall be in writing and shall be filed with and become a part of the records of the board.

(2) If a vacancy occurs, the mayor shall immediately notify the city executive committee that nominated the member with respect to whom the vacancy has occurred, and that committee shall without delay submit to the mayor a written list of five qualified persons. If the persons so nominated are not, in the opinion of the mayor, competent or desirable for appointment, the mayor shall immediately request the committee to submit a new list, and the committee shall without delay submit to the mayor a new written list of five qualified persons. From the two lists the mayor shall at once fill the vacancy for the unexpired term by appointment.

(3) If any member of the board, during his term of office, accepts any office, whether elective or appointive, or becomes a candidate for any elective office, he shall ipso facto vacate his office on the board. No member of the city executive com-

mittee of either party shall be a member of the board or hold any clerical or other position under the board.

Section 19. **Bond of board members.** Each member of the board of registration commissioners shall executive bond, with good security, to be approved by the mayor. The bond shall, when approved by the mayor, be filed with the comptroller and inspector of the city and shall be a public record. Suit may be maintained upon the bond against the principal and sureties for any violation by the principal. The suit shall be brought in the name of the city, and the amount recovered in the suit shall be paid to the board of registration commissioners for the purposes of the board.

Section 20. **Employes of board.** The board of registration commissioners shall appoint a registrar and an assistant registrar who shall act respectively as secretary and assistant secretary of the board. They shall have general charge of its office, records and employes under the supervision and direction of the board and shall perform the duties that the board prescribes. They shall hold office at the pleasure of the board and devote their entire time to the duties of their office. They shall be members of opposite political parties, each member of the board having the right to designate the one to be chosen from the political party of which he is a member. The board may employ clerks and employes for such periods of time as it deems necessary for the proper conduct of its business. The employes of the board shall be employed as nearly as practicable in equal numbers from the two political parties represented on the board. The board may require bond with security from the registrar or any employe, and may fix the terms and penalty of the bond. The registrar and assistant registrar shall each receive the same annual salary, to be fixed by the board at a reasonable sum, and the compensation of all clerks or employes shall be fixed by the board at a reasonable sum. All salaries and compensation shall be paid by the board.

Section 21. **Oath may be administered by board and employes.** Any member of the board of registration commissioners, the registrar, assistant registrar, and any temporary or permanent employe of the board may administer oath to any person of

whom information is sought touching any matter pertaining to the administration of the statutes relating to registration and purgation in cities of the first class.

Section 22. **Tax for support of board; business records; fiscal year.** (1) In order to meet the expenses of the board of registration commissioners, each city of the first class shall levy and cause to be collected an annual tax of not less than three-quarters of one cent and not more than one and one-half cents upon each one hundred dollars of assessed value of all property in the city taxable for city purposes. The taxes shall be paid over to the board and receipted for by it.

(2) The board shall keep complete records of all receipts and disbursements which shall be audited annually by the comptroller who shall make a full report thereof to the mayor, with a copy to the city registration board, on or before December 1 of each year. The board shall keep adequate and systematic records of its official actions, financial accounts and such other matters as it deems necessary or desirable. The fiscal year of the board shall be the same as that of the city.

Section 23. **Supplies; purchase of; officers not to be interested in contracts; no future charge to be created.** All supplies required under the statutes relating to registration and purgation in cities of the first class shall be bought by the board by competitive bids upon uniform specifications, and the contract shall be awarded to the lowest and best bidder. No member, officer or employe of the board of registration commissioners shall be directly or indirectly interested in any contract with the board. The board shall not, to any extent or under any device, create a charge upon the income of a future year.

Section 24. **Offices of board; office hours; registration supplies.** (1) The board of registration commissioners shall acquire and maintain a permanent office and equip it in such manner as it deems necessary. The office shall be maintained and kept open to the public every day, except Sundays and holidays, between the hours of 9:00 a.m. and 4:30 p.m. except that the board may authorize the office to be closed at 1:00 p.m. on Saturdays. The board also may keep the office open to the

public at night or at such other hours as the board may determine, not inconsistent with the provisions of this Act. The board may establish such temporary branch offices, not exceeding one for each ward, as it deems necessary, and keep them open for not more than one week in each of the months of May, June, August and September.

(2) The board shall prescribe and provide all forms, records and paraphernalia required for the conduct of registration.

Section 25. **Method of registration.** (1) During the time the office of the board of registration commissioners is lawfully open for registration the registrar and assistant registrar and such deputy registrars as the board appoints shall register every person who applies in person at the permanent or any temporary branch office of the board and complies with the provisions of subsection (2) of this section.

(2) Every person applying to be registered shall make oath on the form prescribed by the board that he possesses the legal qualifications for registration, and shall be required to sign his name on two registration record forms. The signature shall be attested by two employes of the board of opposite political affiliations. One of the registration record forms shall be filled out in full before the signature and oath of the registrant is made, but only the signatures of the registrant and of two employes of the board of opposite political affiliations shall appear on the duplicate form. The registrar or assistant or deputy registrar shall enter on the registration record form, in the proper places, the name, address, color, sex, apparent height, weight, party affiliation, occupation, birthplace and mother's name of the person applying for registration, and any distinguishing physical characteristic of the person that may serve as an additional means of identification. He shall also enter the date of registration and whether or not the person is over twenty-one years of age, and, if the person is naturalized, he shall enter the time and place of naturalization. If a person applying for registration states under oath that he cannot write his name, the registrar or assistant or deputy registrar shall sign the registration form for him, and he shall sign the form by making his mark which shall be attested by the registrar or assistant or deputy registrar

and by another employe of the board of opposite political affiliation.

Section 26. **Copies of registration records; preservation and disposition; loss or destruction.** (1) The board of registration commissioners shall cause to be made five typewritten or photostatic copies of the registration record of each person who registers. One of the copies shall be typewritten on the form signed in blank by the registrant as provided in Section 25 of this Act. The original record and the copy signed by the registrant shall be filed in locked binders or card files, by precincts, in such systematic order as the board prescribes, and shall constitute the precinct registers. Another copy of the record shall be filed in locked binders or card files, without regard to precincts, in alphabetical order for the entire city. The board shall furnish one copy of each record, as soon as completed, to each of the city executive committees.

(2) The board shall keep the original registration records and the copies required to be kept by this section safely in its office, and shall not permit them to be taken therefrom except as provided in Sections 29 and 30 of this Act, or on order of a court for the purpose of use in a trial or proceeding. The initial registration records made under Chapter 48 of the Acts of 1930 shall also be kept as provided in this section.

(3) The date on which any change in the registration or party affiliation of a voter is made shall be noted on the individual registration record of the voter in each of three registers maintained by the board. The board shall make and keep a record of all changes and transfers of registration, and shall, on the first day of each week, furnish each of the city executive committees a list of the changes and transfers made during the preceding week.

(4) If the original of any individual registration record is lost, destroyed or becomes in such condition as to render it difficult or unsafe to use, the board shall cause a new record to be made in such manner as it deems necessary consistent with the provisions of this Act.

Section 27. **Transfer of registration on change of precinct**

boundaries. When the boundaries of any precinct are changed by law and the change places a registered voter in a new or different precinct, the board of registration commissioners shall transfer the individual registration record of the voter to the precinct register for the precinct in which he is placed by the change of boundaries. The transfer shall be made automatically, without any application therefor by the voter. The date on which the change is made and the reason therefor shall be noted on the individual's registration record, and also on the registrant's card kept in the record file arranged alphabetically for the entire city, and a notice thereof shall be mailed by the board to the voter, advising him thereof and the reason therefor.

Section 28. **New registration required when name changed; transfer of registration on change of residence; utility companies to report change of address of customers.** (1) Any voter of a city of the first class who changes his name, by marriage or otherwise, shall be required to register anew, and the old registration record of such voter shall be marked "cancelled. Name changed to————————." The old record shall then be placed in the cancelled registrations file and the copies thereof disposed of as provided in section 57 of this Act.

(2) When any registered voter in a city of the first class moves from the precinct in which he is registered to a different precinct in the city, he shall make and sign an application to have his registration record transferred to the proper precinct, and deliver the application to the board of registration commissioners.

(3) Every gas, water, electric light and telephone company operating in a city of the first class shall, every Monday, furnish to the board of registration commissioners a certified report containing the names of all persons who have, during the week immediately preceding, ordered gas, water, electric light or telephone service to be installed, removed or discontinued, with the addresses at which the service was ordered to be installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the board only for the purpose of correcting its records as provided in this section. Every department of the city shall, every Monday, furnish the board

with the names and addresses of all persons who have, to the official knowledge of the department, moved during the preceding week.

(4) The board of registration commissioners may, upon the application of any registered voter, or upon the basis of the information received under subsection (3) of this section, or upon the basis of reliable information obtained or furnished from any other source, transfer the registration record of any voter to the precinct where it belongs, but no such transfer shall be made unless notice has been mailed to the voter at the address appearing on the existing registration records, stating that his registration will be transferred, for the reason stated in the notice, unless protest is filed within five days, and the transfer shall not be made until the five-day period has expired. If protest is filed, the board shall investigate the matter and shall take no action until after the protestant has been given an opportunity to be heard.

Section 29. **Precinct registers to be delivered to election clerks.** At each primary, special or regular election, one set of the precinct registers for each precinct containing the typewritten copies of the registration records signed by the voters, after having first been securely locked in the binders or containers provided by the board of registration commissioners, shall be turned over to the clerks of election of the respective precincts for use in holding the election. The clerks shall sign receipts for the precinct registers and shall, within two days after the election, return the registers to the office of the board and secure a receipt therefor.

Section 30. **Comparative signature books; comparison of voter's signature with registration record; voting record.** (1) Prior to every primary, special, or regular election in a city of the first class, the county clerk shall have prepared for each precinct of the city a comparative signature book which shall be in permanent form and contain sufficient blank sheets of non-detachable type to afford reasonable space for as many signatures as there are registered voters in the precinct. The county clerk shall follow the instructions of the board of registration commissioners with respect to the exact form and makeup of the

comparative signature books and they shall be furnished and paid for in the same manner as other election paraphernalia. The county clerk shall deliver the comparative signature books along with other election paraphernalia to the clerks of election of the several precincts who shall sign a receipt therefor. Before a vote is cast by any person, at any primary, special, or regular election in a city of the first class, he shall sign his name in the comparative signature book, unless he signed his registration record by making his mark, and the officers of election shall compare the signature of every such person with the signature of that person on the registration record form in the precinct register. The challengers of the respective political parties present shall also have the right to compare the signature at the time the comparison is made by the officers of election. If the comparison of signatures creates a doubt in the minds of two of the election officers as to whether the person applying to vote is the same person as the registrant, no vote shall be cast by him unless he otherwise satisfactorily establishes his identity as the registrant. When the polls close, the precinct sheriff and judge of the opposite political faith shall forthwith convey the comparative signature book to the place where the county clerk receives other election paraphernalia. The board of registration commissioners shall have at that place, plainly identified, a duly authorized representative to whom the sheriff and judge aforesaid shall deliver the comparative signature book and secure a receipt therefor. The board shall retain the comparative signature books for at least the next two succeeding primary and general elections.

(2) If any person applying to vote at an election states that he cannot sign his name, the judges of election shall immediately swear him as to his name and his inability to write, and thereupon the judges and the challengers of the respective political parties shall examine the registration record in the precinct register, and if it is shown by that record that the person of that name signed his name on the registration record, said person shall not be permitted to cast a vote, unless his inability to sign his name at the date of the election is due to some physical disability arising subsequent to his registration. The election officers shall make and return to the board a record sheet of each

person so sworn, showing the disposition made of each case, which shall be delivered to the Commonwealth's attorney within ten days of the election. The record sheets shall be provided as other election paraphernalia.

(3) The clerk in each precinct shall, immediately after a person has cast his vote at every primary, special, and regular election, indicate at the proper place on the registration record that such person voted at the election.

Section. 31. **Right to inspect and obtain copies of registration records.** The board of registration commissioners shall permit any citizen, at such times as its office is open to the public and as will not interfere with the proper conduct of the office, to copy any registration record without fee or charge. Copies of registration records made and furnished by the board, except those furnished the city executive committees as provided in section 26 of this Act, shall be paid for by the person ordering and receiving them, at the rate of ten cents per copy for each individual registration record so copied. The fees so collected by the board shall be used for the purposes of the board.

Section 32. **Definition of "voter."** As used in this Act, unless the context requires otherwise, the word "voter" means any name contained in any registration list, regardless of whether the voter is an illegal or legal voter and regardless of whether the voter is a man or a woman.

Section 33. **State Board of Registration and Purgation; membership, oath.** There shall be a State Board of Registration and Purgation composed of the same members that compose the State Board of Election Commissioners. The members of the board shall take an oath to faithfully discharge the duties imposed upon them by the laws of this state.

Section 34. **General duties of state board.** The State Board of Registration and Purgation shall supervise registration and purgation under the provisions of this Act outside cities of the first class, and shall perform such duties as are imposed upon it by this Act in regard to registration and purgation in cities of the first class. The board shall see that each county and each city of the first class complies with the registration and purga-

tion laws applying to them, and shall ascertain whether the county court clerks and boards of registration commissioners have all the necessary registration equipment to properly register the voters in each county and in each city of the first class. The board may adopt rules and regulations necessary to properly carry out the registration and purgation laws of the state.

Section 35. **Compensation of members of state board; supplies.** In addition to the compensation and expenses allowed him as a member of the State Board of Election Commissioners, each member of the State Board of Registration and Purgation shall be paid for his services under this Act, a reasonable sum to be fixed by the Commissioner of Finance, and, in addition, his expenses in attending board meetings. The compensation shall be paid out of the State Treasury upon requisition signed by the chairman of the board and approved by the Commissioner of Finance. The board may purchase supplies and equipment necessary to carry out the provisions of this Act.

Section 36. **Clerk of state board; filing and disposing of complaints.** The State Board of Registration and Purgation may employ a clerk at a reasonable salary payable in monthly installments. If a clerk is employed he shall keep the office of the board open at all reasonable times and any person or political party who has any complaint to lodge with the board may do so by delivering the complaint in writing to the clerk. The clerk shall immediately notify the chairman of the board of the complaint and the board shall consider and dispose of the complaint at its next meeting.

Section 37. **Suits against state board; appeals from its decisions.** The State Board of Registration and Purgation may be sued in the Franklin circuit court, and any decision rendered by the board may be appealed to the Franklin circuit court in the manner now provided for appeals from quarterly courts to circuit courts, and may be tried de novo.

Section 38. **County boards of registration and purgation; appointment; qualifications; removals.** (1) The State Board of Registration and Purgation shall, during the month of July, 1952, and each four years thereafter, appoint a county board of registration and purgation for each county to serve for four years

beginning January 1, 1953, or until their successors are appointed and qualified. The county board shall consist of three members, one member shall be selected from each political party having representation on the state board. Said selections shall be made from a list of five names submitted by the county executive committee of each of said political parties. Said selections shall be made by the state board at the same time the State Board of Election Commissioners selects members of the county board of election commissioners, and the lists provided for herein shall be submitted by the political parties at the same time lists are submitted for county election commissioners. The third member shall be selected by the two members appointed by the state board. If the two members cannot agree within ten days after their qualification on January 1st, then this fact shall be certified to the state board, by the secretary of the local board, and the state board shall within ten days appoint the third member.

(2) Each member shall be 21 years of age, shall reside in the county of his appointment and shall be a duly registered and qualified voter. The state board may remove any member of the county board for cause which shall be spread on the minutes of the state board.

(3) Any vacancy occurring shall be filled as originally provided for herein, except that if the vacancy occurs in the membership of party members, then the appointment shall be made from new lists to be submitted by the county executive committee within five days after being notified by the state board.

(4) If any county committee should fail to file a list as required herein, then the state board may appoint a person who is duly affiliated and has been registered with the party which failed to file a list. The registration shall be determined as of the last general election.

(5) If the state board fails to name a county board of registration at the designated time or if a county board fails to qualify within ten days after appointment, then any citizen of the county may bring a summary proceeding in the Franklin

circuit court to compel the appointment of a county board or the reappointment of a county board if the members or any of them fail to qualify as herein provided.

Section 39. **Certificate of appointment of county board members; officers.** (1) The members of each county board of registration and purgation shall receive a certificate of appointment signed by the chairman and attested by the secretary of the State Board of Registration and Purgation, except the third member, when appointed by the two members, in which event the two members shall prepare the certificate. The certificate of appointment shall be presented by the members to the county clerk of the county of their appointment, who shall administer the oath of office to them.

(2) The members of each county board of registration and purgation, when appointed and qualified, shall meet and select one of their members as chairman. The county court clerk shall act as secretary of the board. The chairman of the board shall preside over all meetings.

Section 40. **General duties of county boards.** The county boards of registration and purgation shall administer, in their respective counties, the provisions of this Act relating to registration and purgation outside cities of the first class. Each board may adopt such reasonable rules and regulations as are necessary for the proper conduct of its office and in the discharge of its duties.

Section 41. **Compensation of county boards; time and place of meetings.** (1) In counties containing a first class city, each member of the county board of registration and purgation shall receive compensation of not less than $1200.00 per year, the exact amount to be fixed by the fiscal court and paid monthly. In all other counties, each member of the county board, and the secretary thereof, shall receive compensation of not less than six dollars nor more than fifteen dollars per day, the exact amount to be fixed by the fiscal court, for each day in session, and, in addition, the secretary may receive compensation for fifteen days while the board is not in session. No board member shall be paid for more than thirty-four days in each year.

(2) In counties that do not have a city of the first class, the board shall meet for not more than thirty-two days each year, for five days after the closing of registration books before each primary election, for five days after the closing of registration books before each general election, for twenty days at any other time of the year when the registration books are open, provided that no part of the twenty day period shall occur later than seventy-nine days before the August primary election, and, for the performance of the duties set out in section 52 of this Act, for two days after the registration books are opened following each primary election. In counties having a city of the first class, the board may meet at any time necessary to perform its duties, and shall remain in session for the purpose of hearing challenges continuously from the date that the registration books are closed before any primary or regular election, but in all counties the purgation must be concluded at least twenty days before any primary or general election. In all counties the board shall hold all of its meetings at the courthouse unless it is necessary that it hold meetings at some other place in the county, but no meeting shall be held at any other place in the county unless the persons affected by the meeting are given written notice of its time and place.

(3) If any county board fails to meet as herein required and fails to make a diligent effort to effect an adequate purgation, then any citizen of the county may prefer charges against said board before the state board, which charges shall be heard and disposed of within five days after notice has been given to the county board for five days. If the state board fails to act on said charges as herein provided then said citizen may apply for a summary mandatory order to the circuit judge of the county.

Section 42. **Sessions of county and city boards.** For the correction of clerical errors, both the county boards and the board of commissioners of cities of the first class shall stay in session on primary and general election days, and are authorized to make to the election officers such certifications as may be necessary. On said days appeals may be made to the county judge or circuit judge, as the case may be, except that in cities

of the first class all appeals shall be made to a circuit judge. Sessions of the board held on primary and general election days shall not be counted in the thirty-two day limit on sessions provided in subsection (2) of section 41 of this Act.

Section 43. **Employes, supplies, payment.** Each county board of registration and purgation may employ such clerical, stenographic and other help, and purchase such supplies and equipment, as it deems necessary to carry out its duties under the provisions of this Act. The help so employed and supplies and equipment so purchased shall be paid for by the fiscal court of the county upon certification of the cost to the fiscal court by the chairman and one member of opposite political faith of the board, accompanied by an affidavit of the chairman and one member of opposite political faith of the board that the employment or purchase was necessary in the discharge of the duties of the board and that the amount allowed or expended for such help, supplies and equipment was in their opinion reasonable.

Section 44. **Purgation by county boards.** (1) The county boards of registration and purgation may examine the registration lists and registration books in the county clerk's office as often as they deem advisable, or the boards may proceed upon the challenge by any citizen or political executive committee having representation upon the State Board of Election Commissioners, and shall examine the registration books after the closing date of the books for registration and before any primary or regular election, for the purpose of removing from the lists or books the names of persons who have, since the date of their registration, died, moved or otherwise become disqualified to vote. If a county board of registration and purgation, upon investigation, has reasonable grounds to believe that there are names upon the registration lists or books of persons who have died, moved or otherwise become disqualified to participate in any regular, special or primary election, the board shall prepare a list of such names. When the board challenges, or upon the challenge of any citizen or political executive committee having representation upon the State Board of Election Commissioners, the registration of any voter, it shall immediately notify the voter in writing, by first-class mail, at his place of residence shown

upon the registration list or book that his right to vote in the primary or regular election has been challenged and that his name will be stricken from the registration list or books unless he appears before the board within five days from the date of the notice and shows cause why his name should not be stricken. If the voter appears and desires to be heard upon the challenge, the board shall hear and determine whether or not the name of the voter should remain upon the registration lists or books, and no name shall be stricken from the registration lists or books until the voter has been given an opportunity to be heard. If the board determines that the voter is legally registered, his name shall remain upon the registration lists or books. If after a hearing the board determines that the name of the voter is illegally or improperly upon the lists or books, it shall enter an order directing the county clerk to strike the name of the voter therefrom. If, after the notice, as herein provided, the voter fails to appear before the board and contest the challenge, it shall be prima facie evidence that his name illegally or improperly appears upon the registration lists or books, and the board without further hearing shall strike his name therefrom. After completing its purgation of the registration lists of a county, the board shall notify the county clerk of all names purged by it. Challenges by a committee or citizen must be made within ten days after the registration books close before a primary or general election, and shall be in writing, giving the name and address of the challenged voter and the reason therefor. The board shall then meet on the eleventh day following the closing of the books and may sit for a period of five days, the last day to be not less than twenty days prior to the primary or general election.

(2) The failure of any person to vote at any primary or regular election for two consecutive years, as shown by the voting record of such person on his registration record, shall constitute a cause for challenge of any such person, and the board may challenge and ascertain, in the manner provided in subsection (1) of this section, such person's right to remain registered.

(3) The county board may, whenever it deems necessary, order a house to house canvass. The procedure shall be the same as provided in sections 46 and 47 of this Act except that

the determination to have a house to house canvass is in the discretion of the board, and shall only be made in such precincts as the board shall order. The compensation of the canvassers shall be fixed by the fiscal court.

(4) The registrar of vital statistics for each county shall furnish to the county clerk of his county, at least once a month, a certified report containing the names and addresses of all persons whose death, occurring in the county during the month immediately preceding, has been reported to the registrar. Each circuit clerk shall furnish to the county clerk, at least once a month, a certified report containing the names and addresses of all persons who, during the month immediately preceding, have been adjudged insane by the circuit court or convicted in that court of any offense that operates as an exclusion from suffrage, the nature of the offense to be stated in the report. Immediately upon receipt of such reports of deaths, adjudications of insanity and convictions, the county clerk shall submit such information to the board who shall verify it and notify the person affected, in such written form as it adopts, at the address appearing on the registration. If no protest is filed within five days, the registration record of the person shall be cancelled. If protest is filed within that time, the clerk shall investigate the matter and shall not cancel the record until after the protestant has been given an opportunity to be heard.

(5) When the mail notices required herein are returned unclaimed, the county board shall cause the names of the persons affected by such notices to be published in at least one issue of the newspaper with the largest circulation in the county.

Section 45. **Purgation by board of registration commissioners in cities of first class on grounds of death, disqualification, marriage or failure to vote.** (1) The Division of Vital Statistics of the State Board of Health located in any city of the first class shall, every Monday, furnish to the board of registration commissioners of the city a verified report containing the names and address of all persons whose deaths, occurring within the city during the week immediately preceding, have been reported to the division. The clerk of the circuit court of the circuit in which any city of the first class is located, shall, every

Monday, furnish to the board a certified report containing the names and addresses of all persons who have, during the week immediately preceding, been adjudged insane or convicted of any offense that operates as an exclusion from suffrage, the nature of the offense to be stated in the report. The county clerk of the county in which any city of the first class is located shall, every Monday, furnish to the board a certified report containing the names and addresses of all persons whose names have been changed by marriage as evidenced by certificates returned to the clerk, during the week immediately preceding, in accordance with the provisions of KRS 402.220.

(2) Immediately upon receipt of such reports of deaths, adjudications of insanity, convictions, and changes of name by marriage, the board shall mail a notice to every person whose name is included in any of the reports, at the address appearing on the registration record of such person in the office of the board, stating that his registration will be cancelled, for the reason stated in the notice, unless protest is filed within five days from and including the date of the notice. If no protest is filed within that time, the registration record of the person shall be cancelled. If protest is filed within that time, the board shall investigate the matter, and shall not cancel the record until after the protestant has been given an opportunity to be heard.

(3) The failure of any person to vote at any primary or regular election for two consecutive years, as shown by the voting record of such person on his registration record, shall be prima facie evidence that he is no longer entitled to registration. The board shall, in January of each year, cause a check of all registration records to be made and a list prepared of all persons whose registration records indicate that they have failed for two consecutive years to vote at any primary or regular election, and shall mail a notice to each person on the list, stating that his registration will be cancelled, for failure to vote, unless protest is filed within five days from the date of the notice. If no protest is filed within that time, the registration shall be cancelled. If protest is filed, the board shall make an investigation, and shall not cancel the registration if the person is legally entitled to registration.

Section 46. **Purgation for primary election in cities of first class by house to house canvass.** The city board of registration of each county containing a city of the first class shall cause a purging and correcting of the registration lists and records of the city for primary elections upon the request in writing of the county executive committee of either of the two political parties having representation upon the State Board of Election Commissioners, or upon the request in writing of any candidate for office in the primary. The purging and correcting shall be conducting as provided in this section.

(2) The registration commissioners of the city, shall cause to be made a house to house canvass in each precinct of the city with respect to which a request has been made under subsection (1) of this section. The canvass shall be made jointly by two investigators in each precinct, who shall be appointed by the board of registration commissioners ten days in advance of the date specified for the commencement of the canvass. One of the investigators shall be selected from each of the two political parties having representation upon the State Board of Election Commissioners. The city board of registration may remove any investigator and appoint a substitute. The canvass shall be made during the first two weeks of the sixty-day period next preceding the date upon which the primary is to be held. The board of registration commissioners shall prepare and furnish each investigator with a list of names and addresses of the registered voters in the precinct which he is to investigate, arranged in convenient order to facilitate investigation.

(3) The investigators for each precinct shall make a written report to the board of registration commissioners not later than the last day of the two weeks period provided for making the canvass, giving the names and addresses of all persons properly registered in the precinct who are legally entitled to vote in the primary election to be held in that year. When the reports of the investigators in any precinct agree that any person registered in the precinct is not legally entitled to vote at the election to be held in that year, the city board of registration commissioners of the city shall remove, transfer or cancel such registration as the case may be, so as to make the record correspond with the

report made by the investigators and to correct the registration record to the date of the report. No change shall be made until after notice has been mailed by the board of registration commissioners to the person affected, at the address appearing upon the registration record on file in the office of the board, stating that it is the intention of the board of registration commissioners to change, transfer or cancel his registration unless protest is filed within five days in the office of the board of registration commissioners. If protest is filed, no such change shall be made until after the protestant has been given a reasonable opportunity to be heard, at which hearing the right of the protestant to vote shall be determined by the board of registration commissioners.

(4) Each investigator provided for in this section shall be paid reasonable compensation by the board, the board to determine the amount.

Section 47. **Purgation for regular election in cities of the first class by house to house canvass.** (1) The board of registration commissioners of each city of the first class shall cause to made a house to house canvass in each precinct of the city in each year, for the purpose of checking the registration records. The canvass shall be made jointly by two investigators in each precinct. One of the investigators in each precinct shall be appointed by the board from a list of three names for that precinct submitted in writing by one of the city executive committees, and one in each precinct from a list of three names for that precinct submitted in writing by the other city executive committee. The lists shall be submitted ten days in advance of the date specified for the commencement of the canvass. If either committee fails to submit a list within that time, the board shall appoint the investigators to represent that party from persons registered as members of that party. The board may remove any investigator and appoint a substitute from the lists submitted, or, in the event no lists have been submitted or all the names have been exhausted, from persons registered as members of the same political party as the investigator who is removed. All appointments from the lists shall be made by the board in the order in which the names appear thereon. The canvass shall be made during the first two weeks of the fifty-nine

day period next preceding the regular election each year. The board shall prepare and furnish each investigator with a list of the names and addresses of the registered voters in the precinct which he is to investigate, arranged in convenient order to facilitate the investigation.

(2) The investigators for each precinct shall make a written report to the board, not later than the last day of the two-week period, giving the names and addresses of all persons registered in the precinct who are legally entitled to vote at the election to be held in that year. When the reports of the investigators in any precinct agree that any person registered in the precinct is not legally entitled to vote at the election to be held in that year, the board shall make such changes, transfers and cancellations in the registration records in its possession as may be necessary to make the records correspond with the reports made by the investigators and to correct the registration records to the date of the report. No such change shall be made until after notice has been mailed to the person affected, at the address appearing upon his registration record on file in the office of the board, stating that it is the intention of the board to change, transfer or cancel his registration unless protest is filed within five days, nor shall any such change be made until after the expiration of the five-day period. If protest is filed, no change shall be made until after the protestant has been given a reasonable opportunity to be heard.

(3) Each investigator provided for in this section shall be paid reasonable compensation by the board, the board to determine the amount.

Section 48. **Purgation for primary or regular election in cities of the first class on application of citizen or party committee.** (1) Any citizen of a city of the first class may challenge the registration of any voter before any primary election. The challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of the challenge, and shall be filed not later than five weeks prior to a primary election at the office of the board of registration commissioners of the city. The board of registration commissioners of the city shall conduct a hearing thereon at such time as they may fix, after

notice has been given by mail requiring the voter to appear within five days from the mailing date and show cause why his name should not be cancelled. Failure to appear shall be prima facie evidence that the voter is improperly registered and his name shall be stricken.

(2) Any citizen of a city of the first class of either city executive committee may challenge the registration of any voter before any regular election. The challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of challenge, and shall be signed by the challenger. The challenge shall be filed not later than five weeks prior to the regular election, at the office of the board of registration commissioners. The board shall conduct a hearing thereon at such time as it may fix, after notice has been served in the manner provided in section 44 of this Act. The board shall investigate each case before a hearing is held.

(3) The failure of any challenged voter to appear, after notice of challenge has been mailed him as provided in this section, shall be prima facie evidence that he is not entitled to be registered, and his registration record shall be cancelled, transferred or suspended as the case may be.

Section 49. **Precinct purgation outside cities of first class.** The county court clerk of each county shall procure a sufficient number of rubber stamps to supply one to each precinct, excepting those precincts within the limits of a city of the first class, such rubber stamps to bear the words "PURGATION RECOMMENDED" in letters one inch high under which shall appear the word "Reason" followed by a blank line, with two blank lines below for the signature of the judges of election.

Section 50. **Purgation recommendation by precinct judges at primary election, outside cities of first class.** It shall be the duty of the judges of election at each primary election in all precincts excepting those precincts within the limits of a city of the first class to recommend purgation of the registration lists by stamping with the rubber stamp provided in section 49 of this Act the registration cards of persons who have since the date of their registration, died, moved from the precinct, or otherwise

become disqualified to vote, upon reasonable proof of such disqualification of any voter. The judges of election shall stamp the registration record of such voter with the stamp provided for in section 49 of this Act, and shall each sign their names on the blank lines below the words "PURGATION RECOMMENDED."

Section 51. **Assistants to precinct judges in purgation.** The judges of election may appoint other persons to assist them in performing their duties under section 50 of this Act, but the persons so appointed shall serve without compensation.

Section 52. **Purgation by county board, outside cities of first class; notice and hearing.** Within ten days after the primary election day, the county board shall meet at the county court clerk's office for the purpose of passing upon the purgation recommendations made by the precinct judges. The board shall examine purgation recommendations, and determine which of the persons whose purgation was recommended are not legally entitled to be registered. The board shall forthwith mail a notice to each such voter at his address as shown on the registration records, notifying him that his registration will be cancelled unless he appears before the board within five days and shows cause why his name should not be stricken. If the voter appears and desires to be heard, the board shall hear him and determine whether or not his name should be purged. If the board determines that the name should be purged, it shall enter the word "Purged," and the date, upon the registration record of such person, and the chairman and one other member of the opposite political party of the board shall sign their names immediately below the word "Purged." The county court clerk shall thereupon remove the registration records of such persons from the registration books, and place them in the "Cancelled Registration File." If the board determines that any name recommended for purgation by the precinct judges should not be purged, it shall enter the words "Purgation Refused," and the date, upon the registration record of such person, and the chairman and one other member of the opposite political party of the board shall sign their names immediately below the words "Purgation Refused." If any voter to whom notice is mailed as provided in this section fails to appear within five days, the board may thereupon purge his name without further notice or hearing.

Section 53. **Written notices.** (1) All written notices affecting the registration of a voter required, by this Act, to be sent by mail shall be sent first-class with the name and address of the sender shown on the upper lefthand corner of the envelope, with the following notation thereunder: "If undeliverable at address shown, return to sender immediately." When the mail notice has been returned, as provided herein, the county or city board, or whoever is requested to send out the notice, shall prepare a list of said addressees with their addresses, and submit same to the postmaster at whose office the voter has designated on his registration card as his P. O. address, and request that said list be corrected as to addresses. When said list is returned to the board, or whoever is the sender of the notice, it shall immediately get out another notice exactly like the first one and send it to the new address indicated on the corrected list returned by the postmaster, and shall enclose therein a form affidavit requesting a sworn statement as to when the addressee moved to the new address. If the affidavit is returned and shows that the addressee moved to the new address prior to the fifty-nine day period, then the registration card shall be placed by the board in the proper precinct and the registrant shall be eligible to vote at the coming primary or general election. If the affidavit shows that the addressee moved subsequent to the qualifying period, then the registration card shall be placed in the suspended file and the registrant shall not be entitled to vote in the coming primary or general election as the case may be, but shall be eligible to vote at the next primary or general election when he satisfies all the requirements of a voter imposed by law. If the list returned by the postmaster, does not show a forwarding address, or if the registrant fails to reply to the second notice or return the required affidavit, then the registrant's card shall be marked "Cancelled."

(2) All written notices required of the county board by this Act shall be sent out over the name of the chairman of the board.

Section 54. **No purging to be done later than twenty days before election.** No decision of any purgation officer, county board of registration and purgation, or board of registration commissioners of a city of the first class, affecting the right of a voter

to vote in any primary, regular or special election, or removing, transferring, cancelling or suspending his registration, shall be rendered by such purgation officer or board later than twenty days before any election.

Section 55. **Appeals from decisions of purgation officers or boards.** Any person whose right to vote has been denied or whose name has been stricken from the registration lists or registration books, or who is otherwise aggrieved by any act in respect to his registration, by the county board of registration and purgation, or by the board of registration commissioners of a city of the first class, and any person or party executive committee that has challenged the registration of any voter and is aggrieved by any act of the board of registration commissioners of a city of the first class or the county board of registration and purgation, may appeal from said boards. In the case of voters in cities of the first class, the appeal shall be taken to any judge of the circuit court of the county in which the city is located. In the case of other voters, the appeal shall be taken to the county judge or to a judge of the circuit court of the county. The appeal shall be taken by presenting to the judge a written statement of the act of the board complained of, and the grounds of the complaint, or the statement shall be made on printed forms furnished by the board. Before the appeal is taken, written notice shall have been given to the board complained of, stating the time and place at which and the name of the judge before whom the appeal will be presented, and the grounds therefor, so as to give the board a reasonable opportunity to be present at such time and place.

(2) The appeals provided for by this section shall be perfected not less than five days prior to any primary, regular or special election, and if not perfected within that time no county or circuit judge shall have jurisdiction to hear the appeal. There shall be no court costs taxed on appeals.

(3) The judge to whom the appeal is taken shall, at the time fixed in the notice of appeal or at a subsequent time fixed by him, summarily decide the question presented and endorse on the statement of complaint an order disposing of it. The action of the judge shall be final, and upon return of the statement of

complaint, with the order of the judge endorsed thereon, to the county clerk or to the office of the board of registration commissioners, the clerk or board shall correct its record in accordance with the order.

Section 56. **Suspended lists.** If the county board of registration and purgation of any county or the board of registration commissioners of any city of the first class finds that there are names of voters upon the registration lists or registration books who are properly and legally registered but who are not entitled to vote in the next primary, regular or special election, they shall not cancel the registration but shall cause the registration authorities to remove the registration cards or names of such voters from the registration lists or registration books so that the names shall not be sent to the precincts on election day for the coming election in which such voters are not qualified to participate. The registration officers shall place the registration cards in some secure place to be held and identified as suspended lists of registered voters, and the names of such voters shall not be replaced in the registration lists or registration books until such time as they are eligible to vote. Such voters shall not be required to re-register.

Section 57. **Record of canceled registrations.** The county clerk and the city registration board shall preserve, for not less than two years, all canceled registration cards. They shall be preserved in a separate file, arranged in alphabetical order for the entire county or city, as the case may be, according to the last name of the registrant. The file shall be designated the "Cancelled Registration File." When a registration record is cancelled, the original record and the copy thereof shall be marked "Cancelled" in large letters in ink, and there shall also be noted thereon in ink the date and reason for the cancellation. The registration board for cities of the first class shall, on the first day of each week, transmit one of its copies of each registration record cancelled during the preceding week to each of the city executive committees.

Section 58. **Grand jury investigation.** It shall be the duty of the first grand jury which convenes in each calendar year to make an investigation of the registration records of each county

and seek to determine whether or not the board, the county clerk and the employes of the board have carried out the provisions of this Act, and make a report thereon.

Section 59. **Fees of county clerk in connection with purgation.** The county clerk is entitled, for all services with relation to the purging of the registration outside cities of the first class, to a fee of 10 cents for each name ordered off or canceled, as provided in section 45 of this Act, to be paid by the county.

Section 60. **Old boards continued until successors appointed.** (1) Each county board of registration and purgation appointed under the provisions of KRS 117.390 shall continue in existence and to discharge its duties until the appointment and qualification of a new county board under the provisions of this Act.

(2) Each board of registration commissioners of a city of the first class appointed under the provisions of KRS 117.180 shall continue in existence and to discharge its duties until the appointment and qualification of a new board under the provisions of this Act.

(3) All records, files and other property belonging to boards appointed under the provisions of KRS 117.390 or 117.180 shall be turned over to the new boards appointed under the provisions of this Act, and the new boards shall be the successors, in all respects, of the boards which they replace.

Section 61. All persons who have been registered under the laws applicable prior to the effective date of this Act, shall remain legally registered unless their names have been removed according to law.

Section 62. **Penalties.** (1) Any person who willfully fails to perform any of his duties as set forth in section 4, subsection (2) of section 7, subsection (2) of section 26, sections 33 to 44, 46, subsection (1) of section 48, section 54 of section 56 of this Act, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(2) Any registrar, deputy registrar, inspector of registration, or other state, county or city officer or employe who will-

fully fails to perform his duties as set forth in sections 16 to 31, 45, 47, subsection (2) of section 48, section 55 or section 57 of this Act, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(3) Any member of the county board of registration and purgation who refuses to comply with the provisions of sections 41 or 42 of this Act, shall be fined by the circuit court not less than fifty dollars and not more than one hundred dollars for each offense, and each day of refusal to serve and carry out the duties as prescribed by law shall constitute a separate offense.

Section 63. Chapter 117 of the Kentucky Revised Statutes is repealed.

By Mr. Lowman.

H. B. No. 96. AN ACT relating to election precincts, amending section 116.180 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 116.180 of the Kentucky Revised Statutes is amended to read as follows:

116.180 *Election precincts; number of voters in.* (1) Each county shall be divided into election precincts. The county court shall make the division as often as necessary to comply with the provisions of this section, and shall establish the name or number and the boundaries of the precincts. Each precinct shall contain, as nearly as practicable, an equal number of voters, based on the number of registered voters in the precinct, not to exceed three hundred and fifty voters to a precinct. This section is not intended to affect KRS 125.180, relating to precincts wherein voting machines are used or may be used.

(2) If the county judge fails to perform his duty herein required, then any citizen and voter of the county may apply to the circuit court of the county for a summary mandatory order requiring him to perform his duty. Appeals may be taken to the court of appeals by either party.

By Mr. Lowman.

H. B. No. 97. AN ACT relating to voting procedure, amending section 118.280 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 118.280 of the Kentucky Revised Statutes is amended to read as follows:

118.280 *Issuance and marking of ballot.* (1) Any person desiring to vote and legally entitled to vote shall give his name and residence to the clerk holding the ballots, who shall write the same upon the stub of the ticket in the blank places provided thereof, together with the voter's registered number. The clerk shall enter the same information on the secondary stub. The clerk shall then detach the ballot, with the secondary stub attached, from the main stub. The ballot shall then be signed on the back by one of the election officers. No ballot not so signed in the handwriting by one of the election officers shall be counted by the canvassing board. After the ballot has been signed by one of the election officers, it shall be handed to the voter. The clerk shall give the voter only one ballot, and on request of the voter shall explain the manner of voting. When there are separate ballots for offices or public questions to be voted for by only a portion of the voters in a precinct, such ballots shall be given only to such voters as reside in the portion of the precinct that is within the territory for which the office is provided or with respect to which the public question is submitted. The separate ballots for the election of members of boards of education shall be issued as provided in KRS 160.240.

(2) On receipt of his ballot, the voter shall forthwith, and without leaving the room, retire alone to one of the voting booths. Before marking his ballot, he shall examine it to ascertain if the facsimile signature of the county clerk and the signature of the election officer shows upon the ballot. The method of marking ballots for the election of members of boards of education shall be as provided in KRS 160.260. As to other ballots the voter shall prepare his ballot by marking a cross

mark in the appropriate square immediately following the name of the candidate of his choice for each office to be filled, and in the case of questions submitted to a vote of the people by marking a cross mark in the appropriate square against the answer he desires to give. If any voter desires to vote for each and every candidate of one party, he shall mark a cross mark in the circle under the device of the party, and the vote shall then be counted for all the candidates under the device. If a cross mark is made in the circle under the device of the party, and a cross mark is also made in the square after the name of one or more candidates of a different party, the vote shall be counted for the candidates so marked, and not for the candidates for the same offices of the party so marked, but the vote shall be counted for the other candidates under the party device. If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for that office. No ballot shall be rejected for any technical error that does not make it impossible to determine the voter's choice. Any voter may, in a regular or special election, vote for any qualified person other than those whose names are printed on the ballots, for any office to be filled, by writing the name of that person under the designation of the office and placing a cross mark to the right of the name. All marking upon the ballots shall be done with black ink stencil, except the writing in of names as provided in the preceding sentence, which shall be done with black lead pencil. There shall he kept in each booth the necessary stencils and pencils, securely fastened by a cord of sufficient length to enable voters to use them.

By Mr. Lowman.

H. B. No. 98. AN ACT relating to absent voting, amending sections 126.160, 126.170 and subsection (3) of section 126.270 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

126.160 *Form of application for ballot; affidavit.* Applications for absent voter's ballots shall be signed and sworn to by the absent voter before the county clerk, or before a civil officer authorized by law to administer an oath. The application shall be substantially in the following form:

"County Court Clerk of_____
County, _____ Kentucky.
"I_____state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of _____ County and have been such for more than six months prior to said date and expect to be absent therefrom in the course of my business or duties at the election to be held on the _____ day of _____, 19_____, and will not vote elsewhere at said election, and am a resident of _____ precinct of said county (or _____ ward of the city of _____ county of _____), and have been such for at least sixty days prior to said date; that I reside at _____ (house number and street address, if in city, or county road and nearest neighbor, if in county) that I will be at least twenty-one years of age by the day of the next election, and that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the _____ political party; I request that an official ballot be mailed to me at the following address:

_____
(Name and address)

_____
(Rank and unit if member of Armed Forces)

_____
(Department of United States Government
if an employe or the wife of an employe
stationed abroad)

(Voter must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this _____ day of _____, 19_____.

(Name and Official Title)".

Section 2. Section 126.170 of the Kentucky Revised Statutes is amended to read as follows:

126.170 *Verification of registration; list of nonregistered applicants; registration of applicants in Armed Forces.* (1) Upon receipt of any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registered, he shall forward a ballot to the voter as provided in KRS 126.190. If the county clerk does not find the applicant to be so registered, and if the application does not indicate that the applicant is a member of the Armed Forces, or if an employe or the wife of an employe of the United States Government stationed abroad, the clerk shall immediately mail a letter to the applicant, at the address stated in the application, advising him that his application cannot be honored because of the fact that he is not registered, and advising him what period of time, if any, remains in which he may register prior to such election, and the clerk shall place the application in a file entitled "Nonregistered Applicants for Absent Voters' Ballots." If the clerk thereafter, and prior to the election, receives notice from the applicant advising the clerk that the applicant has registered, the clerk shall again examine the registration books, and if he finds that the applicant has registered he shall remove the application from the nonregistered applicants' file and forward a ballot as provided in KRS 126.190. Any applications not so removed from the nonregistered applicants' file shall be retained in such file until thirty days after the election, when they shall be burned by the clerk in the presence of the judge and sheriff of the county. If the application of a person found not to be registered indicates that the applicant is a member of the Armed Forces, or an employe or the wife of an employe

of the United States Government stationed abroad, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered in the registration records of the proper precinct, and shall mark upon such registration records the words, "Absentee Registration." Such registration may be made at any time prior to the election for which an absent voter's ballot is applied for.

(2) Any person who has been registered under the provisions of subsection (1) of this section shall be required to reregister in person upon his first return to the county of his residence at a time when the books are open.

(3) The oath required of a member of the Armed Forces shall be taken as specified in KRS 384.084 and the oath required of a civilian employe of the United States Government or his wife stationed abroad may be taken by the persons mentioned in KRS 382.150. The seal of such officer must be attached to all oaths required under this section.

Section 3. Subsection (3) of section 126.270 of the Kentucky Revised Statutes is amended to read as follows:

After the absent voters' ballots have been signed and redeposited in a ballot box, as provided in subsection (1), the box shall be thoroughly shaken so as to redistribute the ballots in the box. The board of election commissioners shall then reopen the box and count the ballots and tabulate them separately on sheets to be provided by the county court clerk.

By Mr. Lowman.

H. B. No. 99. AN ACT relating to support of children, amending section 405.020 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 405.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The father and mother shall have the joint custody, nurture and education of their minor children. If either of the

parents dies, the survivor, if suited to the trust, shall have the custody, nurture and education of the minor children. The father shall be primarily liable for the nurture and education of his minor children.

(2) The father and mother shall have the joint custody, care and support of their adult children who are wholly dependent because of permanent physical or mental disability. If either of the parents dies, the survivor, if suited to the trust, shall have the custody, care and support of such children. The father shall be primarily liable for the custody, care and support of wholly dependent adult children.

By Mr. Lowman.

H. B. No. 100. AN ACT relating to the Department of Welfare, including smoking regulations in the Penal Institutions and Houses of Reform.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Not withstanding the provisions of KRS 438.020 to 438.040 the Commissioner of Welfare is authorized to permit or prohibit the practice of smoking by the inmates of the Penal Institutions and Houses of Reform, regardless of the age of the inmates, whenever he believes such regulation will enhance or improve the discipline of the inmates of these institutions.

By Mr. Lowman.

H. B. No. 101. AN ACT relating to the trust and agency fund of the Metal Stamping Plant in the Department of Welfare.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1.

Notwithstanding any other statutory provisions to the contrary, for the fourth quarter of the fiscal year of 1951, any sums of money in the trust and agency fund of the Metal Stamping

Plant in the Department of Welfare in excess of the needs of the Metal Stamping Plant and shall be available to the Department of Welfare to be used for such purposes and in such manner as funds in the trust and agency fund of the Penal Institutions are used.

SECTION 2.

In order that the funds concerned herein may be available on April 1, 1951, the beginning of the fourth quarter of the fiscal year, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

By Mr. Weintraub.

H. B. No. 102. AN ACT relating to procedure for the establishment of new schedule of rates by public utilities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 278.180 of the Kentucky Revised Statutes is amended to read as follows:

No change in rates shall be made except upon notice to the commission, stating plainly the changes proposed to be made. Copies of this notice shall be served upon the mayor of each city and the county judge of such county in which the utility operates and which area or areas will be affected by the change, within ten days after the notice has been served upon the commission. Proof of service shall be filed with the commission.

Section 2. Section 278.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever any utility files with the commission any schedule of new rates, and files with it the proofs of service as set forth in KRS 278.180, the commission shall forthwith set and fix a date and place for a hearing concerning the reasonableness of the new rates. Said hearing date shall not be held sooner than thirty days, from the date of the filing of said schedule of new rates. All parties required to be served shall be notified of the hearing date and place in accordance with KRS 278.310.

(2) A schedule of new rates proposed by a utility shall not be put into effect unless and until the commission so orders, after a hearing in which it finds the proposed changes in rates are just, reasonable, non-discriminatory and in conformance with law.

(3) A decision on any application filed by a utility for an increase in rates shall be rendered by the Commission within 240 days after the filing of said schedule of new rates unless it is necessary, for good cause, to continue the case for a longer period than 240 days in which case the order continuing the case shall state fully the facts which make it necessary.

(4) Nothing contained herein shall be deemed to abrogate or eliminate the rights and procedure now provided for by KRS 278.270, but same shall remain in full force and effect and shall be deemed cumulative and in addition to the provisions contained herein.

(5) KRS 278.180 and subsections (1) and (2) of this section shall not apply in cases where schedules reducing the rates are filed by utilities, but the rights of the commission upon its own motion or the rights set forth in KRS 278.260 shall not be affected or abridged.

By Mr. Weintraub.

H. B. No. 103. AN ACT relating to the Public Service Commission, amending Section 278.130 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.130 of the Kentucky Revised Statutes is amended to read as follows:

For the purpose of maintaining the Public Service Commission, including the payment of salaries and all other expenses, and the cost of regulation of the utilities subject to its jurisdiction, the commission shall each year assess the necessary amount upon the utilities in proportion to their gross earnings or receipts derived from intrastate business in Kentucky for the

preceding calendar year, and shall notify each utility on or before May 31 of the amount assessed against it. The total amount so assessed shall not in any year exceed $260,000, and the sum paid by each utility shall not be less than $2 in any one year.

By Mr. Weintraub.

H. B. No. 104. AN ACT relating to juries in police courts in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to be numbered 29.135 and to read as follows:

In any county containing a city of the second class, the circuit judge, or where the court has divisions, the judge of the common-law and equity division, shall, at the same time that he draws the names of circuit court jurors pursuant to KRS 29.130, draw sufficient additional names to procure a list of twenty-four names of persons resident within the city. This list of twenty-four names shall be certified by the judge who drew them, sealed in an envelope and delivered forthwith to the judge of the police court.

Section 2. Subsection (2) of Section 26.400 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class, the police court may use a jury in any case, and where the penalty may be a fine of twenty-five dollars or more or imprisonment, other than in commutation of a fine, the accused may, at or before the time the case is called for trial, demand a jury. The judge shall direct any police officer to summons from the list of jurors provided purusant to KRS 29.135, and at least three days before they are required to appear, such number of jurors as the judge shall designate. If necessary to provide time to summons jurors the judge shall continue the case. The court shall have the same power of circuit courts to hold or excuse the attendance of jurors. If the court is unable to obtain a jury from the regular jury panel, the judge

may order any police officer to summon sufficient bystanders to complete the jury. Police court jurors shall receive the same fees as are paid to circuit court jurors.

By Mr. Weintraub.

H. B. No. 105. AN ACT relating to the examination of witnesses in civil actions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (8) of section 606 of the Civil Code of Practice is amended to read as follows:

A party, or any person who is or has been an officer, agent or employe of a corporation which is a party, may be examined as if under cross-examination at the instance of the adverse party, either orally or by deposition as any other witness; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony. The examination, authorized herein, of a person who is or has been an officer, agent or employe of a corporation shall be confined to events occurring during the existence of his occupational relationship with the corporation, and proof of such relationship shall constitute prima facie evidence that the officer, agent or employe was authorized to speak and act for and on behalf of the corporation during the existence of the occupational relationship.

By Mr. Henry.

H. B. No. 106. AN ACT concerning judges of exhibits at the Kentucky State Fair.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Governor shall appoint all persons employed to judge, at the State Fair, any exhibit requiring a judge. Such persons shall be residents of this state, except that in the event there is not available a resident of this state qualified to judge a particular exhibit, a non-resident may be appointed.

By Mr. Henry.

H. B. No. 107. AN ACT concerning credits allowed individuals in payment of income taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The taxes due as computed under the provisions of KRS 141.020 or under the provisions of KRS 141.025 shall be credited with the following amounts:

(a) Twenty dollars, in the case of an unmarried individual;

(b) Fifty dollars, in the case of a married individual, living with husband or wife, and in the case of a head of a family. If such husband and wife make separate returns, the tax credit allowed by this subsection may be taken by either or divided between them;

(c) Ten dollars for each person, other than husband or wife, or the first dependent of a head of a family, dependent upon and receiving more than fifty percent of his support from the taxpayer during the taxable year for which the return is filed, if the dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

(d) Twenty dollars, in the case of an individual if he has attained the age of 65 before the close of his taxable year; and

(e) Twenty dollars, in the case of the spouse of the individual if a separate return is made by the individual, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

By Mr. Henry and Sanders.

H. B. No. 108. AN ACT concerning support of indigent

parent and repealing Section 405.080 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 405.080 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Cornett and Runyon.

H. B. No. 109. AN ACT relating to the per diem and expenses allowed members of county school boards.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.280 of the Kentucky Revised Statutes is amended to read as follows:

Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of ten dollars and their actual expenses for each regular or special meeting attended, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board. In no case shall the expense or per diem of any member exceed two hundred dollars per annum. All claims shall be made out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board.

By Mr. Dressman.

H. B. No. 110. AN ACT relating to the compensation of court appointed attorneys.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any attorney appointed by the judge of a circuit court to defend an accused person in a criminal case or to render legal

services in any type of legal proceeding for which there is no other statutory provision providing compensation for such services shall be paid therefor, out of the fines and costs paid into the circuit court, in case of murder, such compensation as the court approves; in a case of manslaughter, not exceeding three hundred and fifty dollars; in other cases of felony not exceeding one hundred dollars. The clerk of the circuit court shall draw his order for the payment of such counsel in the amount fixed by a judge or judges of the court, and certified by them to the clerk.

By Mr. Ruh.

H. B. No. 111. AN ACT relating to gambling.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 436.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, with or without compensation, sets up, keeps, manages, operates or conducts or assists in setting up, keeping, managing, operating or conducting a keno bank, faro bank or other machine or contrivance used in betting whereby money or anything of value may be won or lost, or any person who, for compensation, percentage or commission, sets up, keeps, manages, operates or conducts a game of cards, oontz or craps, whereby money or anything of value may be won or lost, or with or without compensation, percentage or commission, assist in setting up, carrying on, managing, operating or conducting any game so set up, carried on, managed, operated or conducted for compensation, percentage or commission, shall be fined five hundred dollars, and confined in the penitentiary for not less than one nor more than three years. In addition, he shall be deemed infamous after conviction, and be forever disqualified from exercising the right of suffrage and from holding any state, county or city office of honor, trust or profit. The judgment of conviction shall recite such infamy and disqualification and shall not be valid without the recital.

(2) Subsection (1) of this section shall not apply to persons who play at such games, machines or contrivances, unless they aid or take other part in setting up, conducting, keeping, managing or operating them.

(3) The change of the name of any of the games, banks, tables, machines or contrivances prohibited by subsection (1) of this section shall not prevent the conviction of any person violating the provisions of that subsection.

(4) Subsection (1) of this section shall not apply to persons who sell combination or French pools on any regular race trackt during the races on that track. An indictment for a violation of the provisions of subsection (1) of this section may charge the accused in one count with any or all of the offenses mentioned or included in that subsection.

(5) A small table with its surface slanted upwards from the end at which the player stands, and which is equipped with a plunger, bat or electrically operated flipper or turret shooter which the player manipulates, striking therewith some balls which are knocked towards the upper end of the table, and those balls strike a pocket or target or rebound from the upper end of the table and start rolling back by force of gravity toward the lower end of the table, meeting on the way various hazards and obstructions on the surface of the table, which cause the balls to meander in other directions and register a certain number score, depending upon the number assigned to the particular obstruction or pocket or indicated by lights at time it hits, some obstructions taking a higher score number than others, whereby the play is started by the player depositing a coin in a provided slot, and if the player is successful in obtaining a prescribed result in number score, and he then possesses the opportunity only to replay such table in the same manner without the insertion of another coin and if such device itself does not pay off in money, tokens or merchandise or other prizes for the winning score and only gives the right of replay without insertion of a coin, depending upon the skill of the player, playing such device shall not be considered as gambling, and subsection (1) of this section shall not apply to any person keeping, managing, operating, conducting, or owning such device which only gives a free

game or games for the skill of the player playing such machine or device.

(6) The game known as "Bingo" when operated by or for any charitable, educational or religious institution, shall not be considered as gambling, and subsection (1) of this section shall not apply to any person managing, operating, conducting or sponsoring such a game.

By Mr. Morgan.

H. B. No. 112. AN ACT relating to county tax commissioner; election; qualifications; term; removal; resignation; deceased.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a county tax commissioner in each county in lieu of a county assessor.

(2) County tax commissioners shall be elected at the same time as provided for assessors in section 99 of the Constitution, and shall possess the qualifications required by section 100 of the Constitution and by KRS 132.380. They shall take office the first Monday in December and shall serve for a term of four years and until the election and qualification of their successors, except that tax commissioners elected in the year 1949 shall take office the first Monday in January, 1950, and shall serve until the first Monday in December, 1953, and until the election and qualification of their successors. County tax commissioners shall be eligible for re-election.

(3) A county tax commissioner may be removed from office by the circuit court of his county, upon petition of the department or any taxpayer, for wilful disobedience of any just or legal order of the department, or for misfeasance or malfeasance in office or wilful neglect in the discharge of his official duties, but he or the petitioner may appeal to the Court of Appeals.

(4) If a tax commissioner resigns or deceases before the expiration of his term of office, his personal compensation for that part of the year in which he performed his duties as tax commissioner shall be that portion of the current annual earnings of the office that the time which he served in the calendar year bears to the whole year. The personal compensation of the duly appointed or elected successor for that part of the year in which he performed his duties as tax commissioner shall be that portion of the current annual earnings of the office that the time which he served in the calendar year bears to the whole year.

By Mr. Morgan.

H. B. No. 113. AN ACT relating to the completion of tax roll by tax commissioner; filing of recapitulation and intangible schedules; correction of assessment; return and preservation of intangible schedules.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 133.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county tax commissioner shall complete the tax roll of all property in his county before December 1, 1949, April 15, 1951, and April 15 of each year thereafter, in accordance with law, and on or before that date he shall file with the Department of Revenue, on blanks to be forwarded by the department, a recapitulation of all property assessed on said tax roll with his official certificate attached thereto. Such recapitulation shall show the assessment of property by types of property and by taxing districts. However, at the request of the county tax commissioner, the Department of Revenue may waive the requirement for filing the recapitulation if it appears to the department that this is necessary and desirable.

(2) The tax commissioner shall file with the Department of Revenue, at the same time that the recapitulation required under subsection (1) of this section is filed, the schedules containing a list of the intangible personal property. Within two weeks

after receiving the recapitulation and schedules, the Department of Revenue shall direct the tax commissioner to make the changes that are necessary to correct the assessment. After the tax commissioner has made the necessary correction in assessment and records thereof, he shall return such intangible schedules to the Department of Revenue, and it shall preserve such schedules or a photographic facsimile thereof for a period of twelve years from the assessment date.

By Mr. Helton.

H. B. No. 114. AN ACT relating to medical testimony in workmen's compensation cases.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Medical testimony in workmen's compensation cases shall be limited to not more than two physicians for each party.

By Mr. Sidney Baer, C. J. Barnum, Eulick Walsh, T. J. Murphy, Edward O. Bridgers, William Friedlander and Mrs. Thelma Stovall.

H. B. No. 115. AN ACT permitting the creation of a County Police Force Merit System, providing for the establishment of a Merit Board and defining its powers and duties, and providing for the classification, qualification, examination, appointment, tenure, promotion, demotion, fine, suspension, discipline, immunities and removal of police personnel, prohibiting certain defined political activities, providing penalties therefor and repealing laws in conflict.

Said bill is as follows, viz:

Section I

Definitions—As used in this Act, the following words and terms shall have the following meaning:

(a) Board—Shall mean the County Police Force Merit Board or Boards hereinafter created.

(b) Chief—Shall mean the Chiefs of the County Police forces affected by this Act.

(c) Asst. Chief—Shall mean the next in command to the Chiefs of the County Police Forces affected by this Act.

(d) Secretary—Shall mean the executive secretary and examiner employed by the County Police Force Merit Board or Boards hereinafter created.

(e) Officer—Shall mean any member of the County Police Forces affected by this Act excluding the Chiefs and Assistant Chiefs but including all commissioned or non-commissioned patrolmen, corporals, sergeants, lieutenants and captains.

(f) Employee—Shall mean all other employees of the County Police Forces affected by this Act.

Section II

(1) Any County of the Commonwealth of Kentucky may, by order of its Fiscal Court, duly made and entered of record, create a County Police Force Merit System, and for that purpose, establish a County Police Force Merit Board, whose duties it shall be to classify and examine applicants seeking employment as officers or employees of the Police Force of the said County, excluding the Chief and Assistant Chief, and in addition to promulgate rules and regulations governing the classification, qualification, examination, appointment, promotion, demotion, fine, suspension and other disciplinary action within the said County Police Force of all personnel of the County Police Force or Forces affected and covered by this Act, and in addition thereto, to hold such hearings, public and executive, and impose such penalties upon the personnel affected by this Act as is prescribed by subsequent provisions hereof.

(2) The County Judge, subject to the approval of the Fiscal Court of the County, shall appoint four persons, who shall constitute the County Police Force Merit Board of such County, who shall serve without compensation, and the County Judge shall be a member ex-officio of the said Board, but shall only vote in case of a tie vote on any matter before the Board for determination. Each Board appointee shall be at least thirty

(30) years of age, a resident of the County affected, and not related by either blood or marriage to either the County Judge or any member of the Fiscal Court of the said County. The first members of any said Board shall be appointed within the thirty (30) day period following the effective date of an order duly made and entered by a Fiscal Court creating a County Police Force Merit System and Merit Board, and one member of the Board shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for four years except that appointments to fill vacancies within the respective terms shall be made only for the unexpired period of the respective terms. Any Board member may be removed by resolution of the Fiscal Court of the County for neglect, incapacity, misfeasance or malfeasance on the part of said Board members. No appointed Board member shall hold any other public office elective or appointive during his term as a member of the County Police Force Merit Board, and shall not receive any money, gift or consideration of any type from any person directly or indirectly for or on account of any recommendation, proposal or suggestion bearing upon the business of the Board or the County Police Force. Not more than two members shall be adherents of the same political party.

(3) The Board shall meet at least once each calendar month and minutes of the business of each meeting shall be kept.

(4) The Board shall employ a Secretary who shall also conduct all examinations, prepare eligible lists and keep all records and minutes of the Board's business and perform such other duties in connection with the business of the Board as may be required by the Board. The Secretary may be employed on either a part-time or full-time basis and said Secretary shall receive such compensation as may be recommended by the Board and approved by the Fiscal Court. All orders and minutes of the Board shall be signed by the Chairman thereof, who shall be elected by the Board members and the minutes shall be countersigned by the Secretary.

(5) Upon appointment and qualification of the members

of the County Police Force Merit Board, they shall meet within the 30 days following the creation of the Board and elect their Chairman and Vice Chairman and adopt such rules and regulations and by-laws as they see fit for the proper conduct of their offices. In all matters requiring a vote, a majority of the Board members present and voting shall determine any question, provided that at least three Board members be present to constitute a quorum.

(6) Each appointee, before entering upon the discharge of his duties, shall qualify by subscribing, taking and filing an oath of office as required by law.

(7) Fiscal Courts affected hereby shall make appropriations of money for the reasonable and necessary expenses of the said Board.

Section III

(1) All Police Officers of whatever rank and title except the Chief and Assistant Chief of County Police, and all employees of every County Police Force affected by this Act are covered by the provisions hereof. All such covered officers and employees of every County Police Force on active duty or service as of the effective date (of a duly made and entered order of the Fiscal Court of the said County creating a County Police Merit System and Board), shall be deemed fit and qualified to continue their respective duties of employment on or for their respective County Police Force without examination or further qualification, except and unless the Chief of Police of any County Police Force shall within sixty (60) days after the establishment of the County Police Force Merit Board certify to the said Board that any officer or employee is physically unfit to continue his or her duties.

(2) All personnel covered by the provisions of this Act shall be deemed to be permanent employees subject to their ability to satisfactorily perform their respective duties and further subject to their good behavior.

(3) Within ten (10) days after the creation of any County Police Force Merit Board under this Act, the Chief of County Police shall certify to the Board the names, rank, rate of pay, the

seniority of every officer and employee on the Police Force as of the effective date of the Fiscal Court order creating the County Police Force Merit System and Board.

(4) No officer or employee covered by the provisions of this Act shall directly or indirectly give, solicit or receive or be in any manner whatever concerned in the giving, receiving, soliciting or publicizing any assessment, gift, subscription or contribution to or for any political party or candidate for public office.

(5) No individual, corporation, association or group of individuals shall orally or by letter or otherwise solicit or be in any manner concerned in soliciting or collecting any assessment, subscription, gift or contribution of any character for any political party or any candidate for public office from any officer or employee covered by any of the provisions of this Act. No person shall use or promise to use his personal influence or official authority to secure any appointment or promotion to any position of employment covered by the provisions of this Act, as a reward or return for personal or partisan political service. No candidate applying for original appointment or promotion to any position of employment covered by this Act shall sign or execute or promise to sign or execute a resignation dated or undated in advance of such appointment or promotion. No officer or employee covered by the provisions of this Act shall be suspended, laid off, demoted, promoted, fined, disciplined or threatened, or in any way changed in rank, duty or compensation for withholding or neglecting to pay or make any contribution of any sort, or character, either in money, goods or services or anything of value for any political purpose whatsoever.

No person shall take part in preparing any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any officer or employee covered hereby and no person shall knowingly send or present in any manner any such assessment, subscription, request for gift or contribution or request payment of any of the foregoing to or from any officer or employee covered by this Act.

No officer or employee covered by this Act shall act as an

officer of any political organization, be a member thereof or take an active part in any political campaign or serve as a member of any committee of any such political organization or circulate or seek signatures to any petition or official paper provided for by any primary or general election laws, or act as a worker for any political party, or act as a worker at the polls in favor of or opposed to any candidate for election or nomination to any public office whether Federal, State, County or Municipal.

No examination question in any examination held by the Board shall relate to any political or religious opinion, belief, affiliation or service and no appointment, promotion, demotion, suspension, fine or removal shall be brought about, effected, affected or influenced by such opinions, beliefs, affiliations or services.

No officer or employee covered by this Act shall foster, promote, or be concerned with any actions involving political or religious controversies or prejudices.

Nothing contained in this Act shall be so construed as to abridge the rights of any officer or employee with respect to his or her personal opinions or beliefs or right to vote.

Section IV

(1) Every County Police Force Merit System Board created hereunder shall make, promulgate, and when necessary, amend rules for the qualifications, original appointment, promotion, demotion, transfer, layoff, reinstatement, suspension, fine and removal of the officers and employees covered by this Act. The Board shall publish its rules and any amendments thereto by supplying a certified copy thereof to the County Judge, the Fiscal Court and the Chief of Police of the County, and by posting a copy thereof conspicuously in the office or place where the headquarters of the County Police is maintained. Said rules and amendments thereto shall be published in the manner prescribed within three (3) days after the adoption thereof.

The rules in addition to other matters shall specifically provide for and cover the following:

1. (a) Physical, mental, educational, citizenship and age requirements for new employees and officers.

(b) Physical, mental, educational, citizenship and age requirement for new employees and officers and seniority requirements for promotion from lower to higher rank or classification.

2. (a) Open competitive written, oral and physical tests to determine the relative fitness of all candidates and examinations for original appointment and for promotion.

b. Public notices of examinations provided in 2 (a).

3. Temporary appointments in case of emergency.

4. Organization and meetings of the Board.

5. Procedure and conduct of public hearings.

Any officer or employee may be removed, suspended, laid off, reduced in grade, or fined by the Chief of County Police for any cause which will promote the efficiency of the service, but before any such action is taken by the Chief of Police against any officer or employee, the Chief of Police shall furnish the officer or employee concerned with a written statement of the reasons why the described action is taken. The officer or employee may be reduced, removed, suspended, laid off or fined from the date when such written statement of reasons is served upon him. Each officer or employee removed, suspended, laid off, reduced in grade, or fined, shall be allowed a period of ten (10) days within which he may file written answer to the charges and reasons which caused his suspension, removal, reduction or fine, which shall be made a part of the official records of the Police Department. No trial or examination of witnesses shall be required in any such case except in the discretion of the Chief of Police. The Chief of Police shall likewise furnish a copy of the written charges and reasons for his action to the County Police Force Merit Board.

(2) The County Police Force Merit Board shall also have the right to remove, reduce, suspend, lay off, fine or discipline any officer or employee covered by the provisions hereof on written charges of misconduct preferred on its own initiative or

the initiative of any citizen, but only after reasonable notice to the accused and after a complete public hearing at which the officer or employee accused shall have the right to be present and represented by counsel and confronted by all of the witnesses preferring the charges against him. Every such employee or officer shall be given the right within ten (10) days after charges are initiated by the Board or a private citizen and before the public hearing prescribed herein, to file written answer to the charges preferred against him.

After full public hearing by the County Police Force Merit Board, the Board may retire in Executive session to discuss the evidence introduced at the hearing and to make its determination and conclusion. In no case shall the Board in Executive session receive any further evidence or communication from any source whatsoever prior to reaching its determination and conclusion.

In all cases provided for in this section, the action of the Chief of Police or of the County Police Force Merit Board shall be final except in the following cases.

Every action in the nature of a dismissal, suspension, reduction or fine made by the Chief of County Police, shall be subject to review by the Board at the request of any officer or employee affected by this Act, and in any case where the Board, after investigation, is of the opinion that the disciplinary action taken by the Chief of Police was brought about or influenced by reason of political activity or religious belief, or any improper or unjustified prejudice, then the Board shall give notice and hold a public hearing with respect thereto, and in any case where, after such public hearing, a majority of the members of the Board are of the opinion that the action of the Chief of Police is unjustified or unsupported by proper evidence, then the order of the Chief of Police may be set aside and revoked by the Board and the Board may impose such penalty or punishment as it may deem necessary and appropriate. The Board may, after investigation, increase any disciplinary action taken by the Chief of Police where such additional action is justified in the opinion of a majority of the members of the Board.

(3) The County Police Force Merit Board shall have the

power to issue subpoenas attested in the name of its chairman, to compel the attendance of witnesses upon any proceedings authorized by this Act or by the rules or regulations promulgated by the Board.

Section V

(1) Any person who shall knowingly violate any of the provisions of this Act shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than $50.00 or not more than $1,000.00 or by imprisonment for a term not to exceed six months or by both such fine and imprisonment and if such person be an applicant for any employment covered hereby, he shall be excluded from such examination for a period of three years thereafter and if the name of such person be on any eligible list of the said Board, his name shall be removed therefrom and if he be an officer or employee of the County, he shall be removed forthwith therefrom and be ineligible for any such appointment to public office or employment for a period of three years thereafter.

(2) The provisions of this Act are severable. If any provision, section or paragraph hereof, should be held unconstitutional or invalid, such decision regarding the provision, section or paragraph shall not affect or impair the remainder of the Act. It is hereby declared to be the legislative intent to enact each provision, paragraph and section hereof separately and independently of all other sections, provisions and paragraphs.

(3) All laws and parts of laws in conflict herewith are hereby repealed.

(4) In order that the provisions of this Act may be forthwith accepted by any Fiscal Court of any County of the State and in order that Counties desirous of accepting the provisions of this Act, may speedily reorganize their Police Departments to comply with the provisions hereof, an emergency is hereby declared to exist and this Act will become effective upon its passage and approval by the Governor.

By Mr. Wells and Arrowood.

H. B. No. 116. AN ACT relating to terms of court in the Twenty-Fourth Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (24) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

* * * *

(24) Johnson County, at Paintsville, on the third Monday in January, the third Monday in April, and the second Monday in September, twenty-four juridical days each.

Lawrence County, at Louisa, on the second Monday in March, the third Monday in June, and the fourth Monday in October, eighteen juridical days each.

Martin County, at Inez, on the third Monday in February, the third Monday in May, and the fourth Monday in November, eighteen juridical days each.

* * * *

Section 2. This Act shall become effective on September 1, 1952.

REPORT OF COMMITTEES

Mrs. J. T. Linton of the Committee on Kentucky Statutes No. 1 to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 36. AN ACT relating to time.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

CALENDAR

The House took up for consideration from the Calendar H. B. No. 21 of the following title, viz:

H. B. No. 21. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account

of such cities; restrictions on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

The constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by the title only and

Ordered that said bill be placed in the Orders of the Day.

Mr. Peak moved that Dale Turner of Athens High School of Athens, Kentucky, be made an Honorary Page for the regular session of the 1952 General Assembly.

Said motion was agreed to.

Mr. Engle moved that William Engle III, Mark Ray Engle, George Wendell Combs, Richard Wayne Beatty, Paul Michael Baker, Paul Verdun Baker, Jr., and Charles Francis Whitaker, all of Hazard, Kentucky, be made an Honorary Page for the regular session of the 1952 General Assembly.

Said motion was agreed to.

REFERRAL OF BILLS

The Speaker announced that the Committee on Committees had referred the following numbered bills, viz:

House Bill No. 50. Kentucky Statutes No. 2

House Bill No. 51. Education

House Bill No. 52. Kentucky Statutes No. 1

House Bill No. 53. Courts & Legal Procedures

House Bill No. 54. Kentucky Statutes No. 2

House Bill No. 55. Kentucky Statutes No. 2

House Bill No. 58. Cities of Second Class

House Bill No. 59. Cities of Second Class

House Bill No. 60. Ways & Means

House Bill No. 61. Appropriations

House Bill No. 62. Kentucky Statutes No. 2

House Bill No. 63. Ways & Means
House Bill No. 64. Ways & Means
House Bill No. 65. Cities of the Fourth Class
House Bill No. 66. Kentucky Statutes No. 1
House Bill No. 67. Ways & Means
House Bill No. 68. Kentucky Statutes No. 1
House Bill No. 69. Kentucky Statutes No. 2
House Bill No. 70. Agriculture
House Bill No. 71. Regulation of Intoxicating Liquors
House Bill No. 72. Kentucky Statutes No. 2
House Bill No. 73. Kentucky Statutes No. 2
House Bill No. 74. Kentucky Statutes No. 2
House Bill No. 75. Regulation of Intoxicating Liquors
House Bill No. 76. Ways & Means
House Bill No. 77. Ways & Means
House Bill No. 78. Ways & Means
House Bill No. 79. Cities of Second Class
House Bill No. 80. Agriculture
House Bill No. 81. Kentucky Statutes No. 2
House Bill No. 82. Criminal Law
House Bill No. 83. Criminal Law
House Bill No. 84. Kentucky Statutes No. 1
House Bill No. 85. Revenue & Taxation
House Bill No. 86. Railroads
House Bill No. 87. Public Utilities
House Bill No. 88. Roads & Highways
House Bill No. 89. Revenue & Taxation

House Bill No. 90. Kentucky Statutes No. 2

House Bill No. 91. Fish & Game

House Bill No. 92. Fish & Game

House Bill No. 93. Appropriations

House Bill No. 94. Ways & Means

Mr. Robert H. Moore moved that the House do now adjourn to meet again at 10:00 o'clock a.m., Thursday, January 24, 1952.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 24, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Howard Moffatt, Pastor of the First Baptist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Marvin A. Cornett	George F. Harris
Dr. John Adkins, Jr.	Josh R. Cosby	John Head
Henry Arrowood	Charles M. Crowe	Farmer Helton
Everett J. Bach	C. E. Dowell	William K. Henry
Sidney Baer	James A. Dressman, Jr.	Thomas D. Hewlett
John Rhea Banton	Thomas R. Duncan	Henry R. Heyburn
Clarence J. Barnum	R. L. Dunigan	E. R. Hilton
Owen Billington	Harold Edwards	Ray Holbrook
Wm. W. Blanton	William Engle	Chester J. Holsclaw
R. O. Blevins	Roscoe Estep	William M. Horn
J. C. Bradley	Herbert Fern	Paul S. Jonas
Edw. T. Breathitt	Wm. P. Friedlander	William L. Jones
Edward O. Bridgers	Henry J. Giles	Jennings Kearby
Thomas L. Britton	Chas. M. Greene	James W. Lambert
Mrs. Mary E. Burnete	Henry C. Hale	Jesse H. Lawrence
Walter J. Chyle, Jr.	Eugene B. Hancock	Paul M. Lewis

Mrs. J. T. Linton	J. F. Robinson	Marion Vance
Harry K. Lowman	Earl Rogers	J. B. Veech
William Maglinger	Joe Rouse	Eulick (Mike) Walsh
Shelby McCallum	Carl J. Ruh	Wm. Thos. Wathen
Russell L. Meadows	Amos Runyon	L. M. Weathers
Tom Mobley	Cecil Sanders	W. W. Webster
Robert H. Moore	Clem Schroader	Morris Weintraub
Walter R. Moorman	Dr. B. F. Shields	Hicks Wells
Fred H. Morgan	John A. Sloan	William B. Wells
Earl F. Murphy	E. A. Spencer	W.A.(Pete)Wickliffe
Thomas J. Murphy	Mrs. Thelma Stovall	Charles W. Wirsch
Ewin C. Neville	E. H. (Ted) Stumbo	Walker H. Wiseman
Bart N. Peak	Egbert V. Taylor	Garrett L. Withers
Louis T. Peniston	Albert Thomason	Charles W. Burnley
Hobart Rayburn	William F. Threlkeld	Speaker
Tipton Reed		

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees being as follows: Alex H. Calvert, Lewis W. Combest, J. C. Denney, Jr., Jack Early, Leslie Gay, G. Lee McClain and Gus F. Sheehan, Jr.

Mr. Barnum moved that the reading of the Journal of the proceedings of Wednesday, January 23, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

RESOLUTIONS

Mr. Dressman introduced H. Res. No. 12 as follows:

H. Res. 12. A JOINT RESOLUTION petitioning Congress to provide for the construction of Falmouth Dam on the Licking River.

WHEREAS, the general welfare of Northern Kentucky is dependent upon the full scale development of its natural resources, and

WHEREAS, all the people of the state of Kentucky benefit from the economic well-being of any of its sections, and

WHEREAS, the tourist trade in Northern Kentucky is at a disadvantage in competing with the tourist trade regions of some other states, and

WHEREAS, industry in Northern Kentucky is at a distinct disadvantage in competing with the regions of some other states, which are able to procure a cheap source of power, and

WHEREAS, Northern Kentucky is often flooded by the waters of the Licking River:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The U. S. Congress is hereby requested to appropriate funds to begin the construction of Falmouth Dam on the Licking River. The Congress is requested to make such funds available immediately to the U. S. Corps of Engineers, so that construction can begin during the year 1953.

Said resolution was ordered to be referred.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Sloan

H. B. No. 117. AN ACT relating to a Veterans Bonus and providing a sale tax on alcoholic beverages for payment thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definition.—As used in this act, and unless a different meaning appears from the context:

(a) The term "Board" means the Kentucky Disabled Ex-Service Men's Board.

(b) The term "member of the armed forces of the United States" means any person in active military or naval service in the land, air, or naval forces of the United States, including all

members of the army of the United States, air forces of the United States, United States navy, United States marine corp, United States coast guard, and any and all of their respective components, including both male and female members. Service in the merchant marine shall not be considered for the purposes of this act.

(c) The term "next of kin" means the widow or widower, who has not remarried, children, persons standing in loco parentis, mother, father (however if the mother, or father has abandoned, deserted or failed to exercise parental care to deceased while a minor, she or he will be removed from the line of succession within this definition), of any member of the armed forces of the United States, in the order named and none other.

(d) The term "continental limits of the United States" is limited to the states of the United States and the District of Columbia.

Section 2. A bonus shall be paid to each member of the armed forces of the United States, still in the armed forces, or separated or discharged under honorable conditions, who was on active duty with such armed forces at any time during which period the Congress of the United States has declared a state of war to exist, who was on such duty at least ninety days, and who was a resident of this state for at least six months immediately prior to his or her enlistment, induction or call to active duty, such bonus shall be payable out of the War Bonus Fund created by this act, shall be based solely on service within the above period and, subject to the provisions and limitations of subsection (1) and (2) of this section, be computed and paid as follows:

For each month of service within the continental limits of the United States the sum of five dollars; for each month of service the continental limits of the United States the sum of ten dollars.

(1) The minimum bonus payable hereunder shall be thirty dollars. The bonus for a fraction of a month of service shall be paid on the basis of one-thirtieth of the above monthly amounts for each day of such service.

(2) Except as provided in subsection (5) of this section with reference to disabilities, the maximum bonus payable to any member of the armed forces under this act shall be five hundred dollars, regardless of the length of service of such member. No payment shall be made to any member of the armed forces of the United States who, though in service, was a conscientious objector to military service. Provided, however, that a bonus shall be paid as provided for in this act to any conscientious objector who was disabled as established by the United States Veterans Administration while serving in the armed forces of the United States in a military capacity and who was honorably discharged; and, provided further, that the bonus provided for in this act shall be paid to the next of kin of any conscientious objector who died while on active duty in the armed forces of the United States in a military capacity during the period from December 7, 1941 to and including September 2, 1945, and such death was service connected. No payment shall be made to any person who did only civilian work at civilian pay, or who has received from another state a bonus or adjusted compensation of a like nature as is provided by this act. No payment of a bonus shall be made under this act until the board shall order and direct the payment thereof in keeping with the terms of this act, and, in such order, fix the date upon which payment of such claims shall begin. The recipients of the bonus monies shall be divided into three classes, as follows:

1st class shall include all persons referred to in subsection (4) of this section.

2nd class shall include all persons referred to in subsection (5) of this section.

3rd class shall include all other claims allowed under this act which are not included in the 1st and 2nd classes of this section.

The Board is hereby authorized to direct the payment of such claims and fix the date upon which payment of such claims shall begin, but no such direction or order shall be made by the Board until it shall find that the monies in the War Bonus Fund are sufficient to pay in full all claims, allowed or to be allowed as herein later provided in the 1st class. After all claims

in the 1st class have been satisfied, the board may authorize payment to the 2nd class and fix the date upon which payment of such claims shall begin, but no such direction or order shall be made by the board until it shall find that the monies in the War Bonus Fund are sufficient to pay in full all claims, allowed or to be allowed as herein later prescribed in the 2nd class. After satisfaction of all claims following within the 1st and 2nd classes and upon finding sufficient monies in the War Bonus Fund to pay in full all claims in the 3rd class, the board is authorized to direct payment of such claims and fix the date upon which payment of such claims shall begin. Until the effective date of any such order of the board so directing the payment of any class and fixing such date, neither any member of the armed forces of the United States nor the next of kin of any member shall have or acquire any right, vested or accrued, to the bonus provided for under this act nor any such right in or against the Commonwealth of Kentucky, the board, or the funds appropriated to the War Bonus Fund.

(3) A bonus in the amounts specified in preceding subsection of this section shall be paid to the next of kin of each member of the armed forces of the United States, who, eligible under this act, and, having been a resident of this state for a period of six months immediately prior to his or her enlistment, induction or call to active duty, died prior to receiving payment of such bonus, regardless of whether an application was filed by such member prior to his or her death, filing for payment of such bonus as provided for in this act: Provided, that no next of kin, who by his own hand, feloniously causes the death of such member of the armed forces, shall be entitled to receive the bonus provided for in this subsection.

(4) A bonus of five hundred dollars, regardless of the length of service of such member, shall be paid to the next of kin of each member of the armed forces of the United States who, having been a resident of this state for a period of six months immediately prior to his or her enlistment, induction or call to active duty, died while on active duty at any time during the period from December 7, 1941 to and including September 2, 1945, and such death was service connected; provided no such payment is authorized or shall be made to the next of kin

of such a member if such death was due to his or her own misconduct.

(5) Any veteran whose disability is determined to be at least ten percent but less than one hundred percent, as established by the United States Veterans Administration, shall receive in addition to the other bonus monies for which he is eligible under this act, the sum, of one hundred dollars. Any veteran eligible hereinunder, who is one hundred percent disabled, as established by the United States Veterans Administration shall be entitled to the maximum payment of five hundred dollars, however, if a veteran who is one hundred percent disabled, as established by the United States Veterans Administration, has earned between five hundred dollars and the maximum, irrespective of his disability, he shall also be entitled to the additional one hundred dollars.

Any veteran who is totally disabled, and when such disablement is not a result of service as established by the United States Veterans Administration, shall be included in said 2nd class for priority payment only of any such bonus to which such veteran is entitled to under this act.

Section 3. There is hereby created in the state treasury a fund to be known as the "War Bonus Fund." Funds appropriated thereto by this act shall be paid into the War Bonus Fund and shall be paid out upon warrant of the Commissioner of Finance by order of the Board as a bonus to members of the armed forces of the United States or their next of kin who are qualified to receive a bonus under this act, in accordance with the procedure herein set out. The forms to be provided for the making of the applications shall be in the nature of an affidavit and must be duly sworn to by the applicant and attested to before a notary public or other person authorized to administer oaths. These applications shall be made in triplicate in order that one may be retained by the applicant, one of the board as a part of its permanent records, and one to accompany the order to pay to the state auditor and to be permanently retained by said office. These, and all other forms used in processing of claims and paying of bonuses under this act shall be prepared by the Kentucky Disabled Ex-Service Men's Board

and shall contain all the information necessary for the safeguard of the Commonwealth of Kentucky, and in keeping with the true intent and provisions of this act, and shall be submitted to and approved by the Division of Accounts and Control and the Auditor of Public Accounts before said forms are printed and placed in use.

After an application is filed with the board as provided herein and after it has been duly checked, audited and processed by said board and the amount to be paid determined in accordance with the provisions of this act, an order to pay, directed to the state auditor and carrying the name of the person to receive the money, the amount of money to be paid, the date of issue, and such other information as the State Auditor and Division of Accounts and Control shall find to be necessary, shall be duly signed by the chairman of the Kentucky Disabled Ex-Service Men's Board, and shall be delivered to the applicant. The duplicate copy of such order to pay shall be retained in the department and the third copy shall be forwarded to the auditor's office in order that such office will have it to check against when the original orders to pay are ultimately presented.

Section 4. Not later than January 2, 1954 the chairman of the Kentucky Disabled Ex-Service Men's Board shall certify to the Governor of Kentucky, and to the Department of Finance, the total amount of all claims filed, in order that all monies received and allocated into the War Bonus Fund up to that time, under the methods herein later provided, may be determined by said Department of Finance, and the deficiency or surpus in comparison with the amount determined as necessary to pay all bonuses in full reported to the 1954 regular session of the Kentucky General Assembly, who in case of a deficiency may appropriate the necessary amount, and who in case of a surplus, may designate the application of the surplus. No application for a bonus under this act shall be filed except upon the official form provided for herein, nor until four months after this act takes effect, the Governor may extend the date for the beginning of filing of claims until January 1, 1952, if in his discretion proper administration requires such extention. All applications for a bonus under this act shall be made to the Board on or be-

fore January 1, 1954, and no payments shall be made except upon applications received by the board on or before that date.

Section 5. The Board shall adopt general rules for determining whether an applicant was a resident of this state at the time he entered the service and, by rule, shall prescribe the persons who may execute applications in cases of disability or death and the nature of the proof to be submitted to establish all facts required under any applications filed.

The board shall allow or reject, either in whole or in part, all claims filed under this act. Written notice of any rejection of a claim, either in whole or in part, shall be served on the claimant either personally or by registered mail addressed to the last known address of claimant and deposited in the United States mails. Any claimant whose claim is so rejected may apply for a review of the determination by the board at any time within four months after the service of the notice of rejection and if such application is timely made the determination shall be reviewed by a reviewing officer appointed by the board or by the board itself.

Section 6. All bonus payments under this act shall be exempt from taxation and from levy and sale or execution. Any pledge, mortgage, sale assignment or transfer heretofore or hereafter made of any right, claim, or interest in any such bonus shall be void.

Section 7. (1) The Kentucky Disabled Ex-Service Men's Board shall assist persons entitled to a bonus hereunder in the preparation of their applications and claims therefor and all agencies of the Commonwealth shall co-operate with the board to effectuate the purposes and comply with the provisions of this act.

(2) No agent, attorney or other person shall demand, be entitled to or receive any compensation for his service in prosecuting any claim for any bonus under this act.

Section 8. In case any compensation is payable under this act to a minor or mental incompetent, the compensation shall be paid to the person who is legally constituted his guardian; Provided, however, if there is no such guardian, pay-

ment shall be made to the chief administrative officer of any state or federal hospital or institution in which such minor or incompetent is placed where such officer if authorized to accept monies for the benefit of the minor or incompetent.

Section 9. Whoever makes any false or fraudulent statement of a material fact in any application, certificate or document made under the provision of this act or of any regulation made by the board shall be guilty of a felony and upon conviction thereof shall be fined not more than one thousand dollars or imprisoned for any determinate term of not more than two years, or both, at the discretion of the court.

Section 10. Any person who charges or collects or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran in obtaining any of the benefits to which he is entitled under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five hundred dollars or imprisoned for a term of not more than six months, or both, at the discretion of the court.

Section 11. The costs of the administration of this act is hereby appropriated out of the War Bonus Fund, subject to the approval of the Department of Finance.

Section 12. (1) For the purpose of providing revenue with which to carry out the provisions of this act there is hereby levied on each retail sale of alcoholic beverages a ten percent tax on the sale price.

(2) The tax hereby imposed shall apply and the collected when the sale is made, regardless of the time when the price is paid or delivered.

(3) The tax imposed by this section shall be paid by the consumer to the vendor in every instance, and it shall be the duty of each vendor to collect from the consumer the full and exact amount of the tax payable in respect to each taxable sale, and to evidence the payment of the tax in each case by cancelling prepaid tax receipts, equal in face value to the amount thereof.

(4) The administration, ascertainment, enforcement and collection of the tax provided for by this act is hereby assigned to the Department of Revenue and authority is hereby given to adopt such rules and regulations not inconsistent with the provisions of this act, and to provide for the method of reporting and paying of the tax.

(5) The tax provided by this act shall expire when the order to the board is made, received, and published, that the War Bonus Fund has been determined adequate.

(6) All funds collected hereunder are hereby appropriated into the War Bonus Fund, after the deduction of the allowable expense of collection.

By Mr. Weintraub and Dressman.

H. B. No. 118. AN ACT relating to marriage and divorce; placing restrictions on the remarriage of divorced male persons.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No male resident of this state who has been or hereafter is divorced, and who has one or more children of the marriage under seventeen years of age, may remarry (except a remarriage with the divorced wife) without having procured a circuit court order permitting the remarriage. If the divorced wife has custody of the children and is a resident of this state, the order must be obtained from the circuit court of the county in which the wife resides; otherwise, it may be obtained from the circuit court of the county in which the husband resides. In a case where there has been more than one divorce, and there are children under seventeen years of age of more than one of the marriages, the order must be obtained from the circuit court of the county in which resides the most recently divorced wife who has custody of children and is a resident of this state; otherwise, it may be obtained from the circuit court of the county in which the husband resides. The court shall grant permission to remarry only upon proof, satisfactory in the discretion of the court, that the applicant has

complied with the terms of the divorce decree relating to the support of the divorced wife and minor children, and that he has sufficient financial means and income to support a second family.

Section 2. (1) Application for an order granting permission to remarry shall be made by motion, supported by affidavit of the notice of motion, shall state the purpose of the motion, and the time and place at which the motion will be made, and shall be accompanied by a copy of the affidavit. Where the divorced wife has custody of the children, the notice shall be served upon her. Where the legal custody of the children is vested in some person other than the wife or the applicant, the notice shall be served upon such person. Where no person has the legal custody, or where the applicant himself has the legal custody, the notice shall be served upon the children. Service shall be as provided in the Civil Code for service of notice of motions.

(2) In cases where notice of motion is required to be served upon the children, the court, upon hearing of the motion, shall appoint a guardian ad litem to represent the interests of the children, and shall adjourn the hearing for such time as may be necessary to enable the guardian ad litem to make an adequate investigation and response to the motion.

(3) The affidavit in support of the motion shall state the facts with reference to the divorce decree, identifying the court by which the decree was granted, and setting forth the date of the decree and the substance of its provisions with reference to support and custody of the children. The affidavit shall also set forth the facts as to whether the applicant has complied with the divorce decree, has ever been cited for contempt for failure to comply with the decree, or has been prosecuted for nonsupport, and whether he is financially able to comply with the divorce decree and support an additional family. The affidavit shall further state the amount and character of the applicant's assets, his annual earnings for the current year and the preceding five years, and the nature and circumstances of his occupation or employment.

(4) Upon the hearing of the motion, the court may cause

such evidence to be taken as it deems necessary for a just and proper decision.

Section 3. In a case where the divorced wife, having custody of the children, has remarried, the ability and willingness of her present husband to support the children may be taken into consideration in determining whether the applicant for permission to remarry has sufficient financial ability to provide for the proper support of an additional family.

Section 4. Every male person applying for a marriage license shall be required to state in writing, under oath, on forms furnished by the county court clerk, whether he has been divorced and whether he has any children by a former marriage under the age of seventeen, and if so, their names, ages and addresses. If the statement discloses that he has been divorced and has such children, the county court clerk shall not issue a license, except for remarriage to the divorced mother of the children, unless and until the person shall file with the clerk a certified copy of the judgment of divorce, and of any subsequent orders modifying the judgment, and a certified copy of a court order, issued pursuant to this Act, granting such person permission to remarry.

Section 5. Any marriage entered into in violation of this Act shall be void.

Section 6. The marriage in any other state of a male person who has been a resident of this state within six months immediately preceding such marriage, and who has not complied with this Act, shall conclusively be presumed to be void in the event he shall return to this state within twelve months immediately following such marriage to restablish or continue his residence in this state.

Section 7. (1) Any applicant for a marriage license who willfully makes a false statement concerning the matters required to be stated by him under oath in the form required by Section 4 of this Act shall be confined in the penitentiary for not less than one nor more than five years.

(2) Any county court clerk or deputy who issues a marriage license without obtaining the sworn statement required

by Section 4 of this Act, or who issues a marriage license without there being filed with him a certified copy of the divorce judgment and subsequent orders, and a certified copy of a court order granting permission to remarry, in any case where such filing is required by Section 4 of this Act, shall be fined not less than one hundred dollars nor more than five hundred dollars.

By Mr. Dressman.

H. B. No. 119. AN ACT relating to salaries of mayors and commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 89.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) In cities of the second class the mayor shall receive an annual salary of not more than $3,000, and each commissioner shall receive an annual salary of not more than $2,500.

By Mr. Dressman.

H. B. No. 120. AN ACT relating to city managers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 89.506 of the Kentucky Revised Statutes is amended to read as follows:

(2) In cities of the second class the city manager shall be removable at any time without cause by the vote of four of the members of the board of commissioners, and shall be removable at any time for cause, including willful neglect of duty, by a majority vote of the members of the board, but removal shall not be effected by a reduction in his compensation. If removed by the vote of less than four of the members of the board after having served for six months, he may in writing demand that written charges be filed against him by the board and a public hearing held before the board prior to the date

on which his final removal shall take effect, but during the hearing the board may suspend him from office. The public hearing shall be fixed by the board not to exceed thirty days after demand therefor. The city manager may be represented by counsel and present evidence at the hearing. He may appeal to the courts from the decision of the board when removed by the vote of less than four of the five members of the board.

By Mr. Wickliffe.

H. B. No. 121. AN ACT concerning newspaper advertisements of execution and judicial sales.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 426.560 of the Kentucky Revised Statutes is amended to read as follows:

In addition to the notices now required by statute to be posted, all public sales of any kind of property sold under execution, judgment or decree, shall, unless otherwise agreed upon by the parties, be advertised in a newspaper of bona fide circulation published in the county of the sale for such length of time as the judge of the circuit court shall direct. The advertisement shall state the time, place and terms of sale and describe the property to be sold. The newspaper advertisement shall not be necessary where the appraised value of the property to be sold is less than one hundred dollars.

By Mr. Schroader and Lambert.

H. B. No. 122. AN ACT relating to time payment of Teachers' Retirement annuities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 161.640 of the Kentucky Revised Statutes is amended to read as follows:

Retirement annuities shall be payable monthly. The first

payment to annuitant shall be made at the payment date at the end of one full payment period after his retirement and shall consist of one regular monthly payment.

Section 2. This Act shall become effective July 1, 1952.

By Mr. Hewlett.

H. B. No. 123. AN ACT RELATING TO BAIL.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 72 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

Admission to bail is an order from competent court, magistrate, or circuit court clerk, that the defendant be discharged from actual custody on bail.

Section 2. Section 73 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

The taking of bail consists in the acceptance by a competent court, magistrate, circuit court clerk, or officer, of the undertaking of sufficient bail for the appearance of the defendant according to the terms of the undertaking, or that the bail will pay to the Commonwealth the specified sum.

Section 3. Section 81 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

If the defendant be committed to jail, and the application for bail be made to a magistrate or judge of the circuit court during vacation, it must be by wirtten petition, signed by the defendant or his counsel, briefly stating the offense for which he is committed, and naming the persons offered as bail. In all other cases, the application may be made orally to the court, magistrate, circuit court clerk, or officer.

By Mr. Hewlett.

H. B. No. 124. AN ACT concerning credits allowed individuals on income taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The taxes due as computed under the provisions of KRS 141.020 or under the provisions of KRS 141.025 shall be credited with the following amounts:

(a) Twenty dollars, in the case of an unmarried individual;

(b) Fifty dollars, in the case of a married individual, living with husband or wife, and in the case of a head of a family. If such husband and wife make separate returns, the tax credit allowed by this subsection may be taken by either or divided between them;

(c) Ten dollars for each person, other than husband or wife, or the first dependent of a head of a family, dependent upon and receiving more than fifty percent of his support from the taxpayer during the taxable year for which the return is filed, if the dependent person is under twenty-one years of age or is incapable of self-support because mentally or physically defective.

By Mr. Weintraub, Bridgers and Holsclaw.

H. B. No. 125. AN ACT relating to common schools with particular reference to entrance age requirements.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 158.030 of the Kentucky Revised Statutes is amended to read as follows:

A "common school" is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a qualified teacher for a term of eight or more months during the school

year and every child residing in the district who is six years of age and over has had the privilege of attending it. Provided, however, that any child who is six years of age or who may become six years of age by January 1 following the opening of school may enter school provided that he enters within thirty calendar days of the beginning of that school year, with the exception that in schools having mid-year promotions any child who is six years of age or who may become six years of age within thirty calendar days after the opening of the second semester may enter school at the beginning of that semester. Any child who becomes six years of age later than January 1 following the opening of the school year shall not enter school during that year and in schools having mid-year promotions any child who becomes six years of age later than thirty days after the opening of the second semester shall not enter school during that semester.

By Mr. Bridgers.

H. B. No. 126. AN ACT declaring the business of distributing, selling or furnishing artificial gas, in bottles, tanks, tubes or other similar containers, to be a public utility, and providing for the regulation and control of such business by the Public Service Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is hereby found and declared that the business of distributing, selling or furnishing artificial gas, in bottles, tanks, tubes or other similar container, is affected with the public interest, and constitutes a public utility.

Section 2. No person shall engage in the business of distributing, selling or furnishing artificial gas, in bottles, tanks, tubes or other similar containers, without having procured from the Public Service Commission a certificate of authorization to engage in such business. Before the commission shall issue a certificate, the person seeking it shall file with the commission an application, in such form as the commission requires, setting forth, among other matters, the name and residence of the applicant, the name of the chief officer if the applicant is a corpora-

tion, and the names of the members if the applicant is a partnership, the area in which the applicant proposes to do business, the capital invested or to be invested in the business, the estimated operating expenses, and a proposed schedule of rates or charges. The commission may require the applicant to submit evidence in support of his application, and, upon the basis of the application and such evidence, shall determine and fix the rates and charges which the applicant shall be permitted to charge or collect, on the basis of a fair return upon the investment after payment of reasonable and necessary operating expenses. Such rates and charges shall be set forth in the certificates of authorization.

Section 3. The Public Service Commission may, from time to time, require such reports and the keeping of such records as it deems necessary to insure that the rates and charges of any certificate-holder are reasonable, just and fair, and may, from time to time, after a hearing, on application of the certificate-holder, or on complaint of a consumer, or on its own motion, revise and adjust the rates and charges to be permitted to be made by any certificate-holder so that the same will at all times be reasonable, just and fair, and shall amend the certificate accordingly.

Section 4. No certificate-holder shall charge or collect any rate or charge other than as authorized and fixed in his certificate or amended certificate. A schedule of the authorized rates and charges shall prominently be posted in the place of business of the certificate-holder, and a copy thereof shall be furnished by the certificate-holder to each customer or consumer.

Section 5. Each certificate issued under this Act shall be renewed annually, from the date of its issuance, in such manner and upon such conditions as the Public Service Commission may prescribe.

Section 6. The cost of administering and enforcing this Act, not to exceed $20,000 per year, shall be assessed against the certificate-holder on the same basis as provided in KRS 278.130 to 278.150 with respect to other public utilities.

Section 7. In so far as the same are applicable, the pro-

visions of KRS 278.010 to 278.450 shall apply in the administration and enforcement of this Act.

Section 8. Violation by a certificate-holder of any of the provisions of this Act, or of any regulation issued by the Public Service Commission thereunder, shall be grounds for revoking or refusing to renew his certificate.

Section 9. Any person who violates any provision of this Act shall be fined not more than five hundred dollars, or imprisoned in the county jail for not more than six months, or both.

By Mr. Mobley.

H. B. No. 127. AN ACT concerning waterworks in cities other than first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 96.320 of the Kentucky Revised Statutes is amended to read a follows:

"Cities of the second class that own a waterworks may operate such waterworks as a department of the city, or may appoint a commission to operate such waterworks. If such a commission is appointed, it shall be styled "Commissioners of Waterworks," and shall be composed of from three to five members to be appointed by the mayor, subject to the approval of the city legislative body. If a commission is composed of five members, the mayor shall appoint, in addition to the five members, a member of the legislative body of the city who shall be an ex officio member of the commission. They shall be residents and legal voters of the city. The terms of the members shall be fixed by the city legislative body, or they may be appointed for indefinite terms, subject to removal by the city legislative body for cause. The commissioners shall give bond for the faithful performance of their duties in the sum of five thousand dollars. The commissioners shall manage the water system of the city. They may appoint a superintendent, secretary, treasurer and other necessary employees and fix their salaries. They shall make full monthly reports to the city legislative body of the

operation and condition of the water system, including all receipts and expenditures. Three members of the board shall constitute a quorum for the transaction of business.

By Mr. Engle.

H. B. No. 128. AN ACT relating to the buying and selling of scrap metal.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, "Scrap metal dealer" means any person who engages in the business of buying or selling of scrap metal.

Section 2. Every scrap metal dealer shall, in connection with each transaction involving the buying or selling of scrap metal, give a bill of sale if he is the seller and obtain a bill of sale if he is the buyer.

Section 3. Each bill of sale required in Section 2 shall set out the date and place of the transaction, the amount, general description and location of the scrap metal involved, the buyer's name, the seller's signature and the addresses of both.

Section 4. Every scrap metal dealer shall, for a period of at least two years after each transaction, keep a record of the bills of sale given and received. These records shall be open, at all reasonable hours, to inspection by interested persons.

Section 5. Any scrap metal dealer convicted of violating any of the provisions of this Act shall, upon the first conviction, be fined not less than twenty dollars nor more than one hundred dollars, or imprisoned for not less than ten days nor more than thirty days, or both; and for each subsequent conviction, shall be fined not less than one hundred dollars or more than one thousand dollars, or imprisoned for not less than thirty days nor more than sixty days, or both.

By Mr. Friedlander.

H. B. No. 129. AN ACT relating to county and community

fairs, amending Section 247.220 and repealing Section 247.230 of the Kentucky Revised Statutes and making an appropriation.

Said bill is as follows, viz:

WHEREAS, it is a well recognized fact that the county and community fair is one of the most colorful, honored and revered institutions in the American way of life, and

WHEREAS, it is a well-proven fact that the county and community fair is one of the most important and successful mediums for promoting improvement in livestock and farm products generally, for bringing about continued improvement in the rural way of life, and in fostering closer association of urban and rural folk with a consequential better understanding between them, and

WHEREAS, in recognition of the vital role the county and community fair portrays in community life, it is the established policy of many of the states to grant substantial financial aid to county and community fairs in order to guarantee and foster their continued existence; and

WHEREAS, in Kentucky the county and community fair is rapidly losing its vitality and faces possible extinction in the near future;

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 247.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Agriculture, on the recommendation of the Kentucky Association of Fairs and Horse Shows, Inc., shall make grants of state funds to qualified county and community fairs to be used by them to pay premium awards for exhibits and displays of domestic livestock, household products, farm corps and other related exhibits and displays. The grant of state funds made to any fair shall be in an amount no event shall the grant to any fair for any one calendar year exceed two thousand, five hundred dollars. The premiums

actually awarded shall conform to those appearing on the premiums list issued by the county fair.

(2) In order to qualify for a grant of state funds a county or community fair shall obtain the approval of and recommendation by the Kentucky Association of Fairs and Horse Shows, Inc., which approval and recommendation may be given only if the fair:

(a) Provides in it by-laws for the holding of an annual fair running for at least three days,

(b) Presents, through the medium of youth organizations such as 4-H Clubs, Future Farmers of America and other similar organizations, an educational program concerning the production and marketing of livestock and other farm products, home economics and other related subjects, and

(c) Complies with all other rules and regulations which the association is hereby authorized to promulgate.

(3) Any county or community fair receiving a grant of state funds shall file with the Kentucky Association of Fairs and Horse Shows, Inc., by December 1 of the year in which the grant is received, satisfactory proof that all premium awards, as advertised, have been paid and a financial report prepared by a certified public accountant.

Section 2. There is hereby appropriated out of the General Expenditure Fund in the State Treasury for the fiscal year of 1952-53 and 1953-54 a sum, not exceeding $75,000 for each fiscal year, sufficient to carry out the provisions of KRS 247.220.

Section 3. Section 247.230 of the Kentucky Revised Statutes is repealed.

By Mrs. Stovall.

H. B. No. 130. AN ACT relating to school teachers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No superintendent, supervisor, principal or other school

administrator, his agents or appointees, other than teachers, shall solicit, persuade, urge, ask, demand or coerce in any way the teachers of his school district to join or contribute to any education or teachers' organization, professional or otherwise. Any superintendent, supervisor, principal or other school administrator who violates this section shall forfeit his office and his certificate shall be revoked.

By Mr. Blanton.

H. B. No. 131. AN ACT relating to the making of wills by minors, amending section 394.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 394.030 of the Kentucky Revised Statutes is amended to read as follows:

No person under the age of twenty-one can make any will, except in the following instances.

(1) In pursuance of a power specially given to that effect.

(2) A father, though under twenty-one years of age, may by will appoint a guardian for his child.

(3) Any person, while a member of the Armed Forces of the United States, may execute a will to the extend authorized in KRS 394.020. The provisions of this subsection shall be in addition to the provisions of KRS 394.050.

By Mr. Blanton.

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 411.140 of the Kentucky Revised Statutes is amended to read as follows:

No right of action for personal injury or for injury to real or personal property shall cease or die with the person injuring or injured, except for slander, libel, criminal conversation, and so much of the action for malicious prosecution as is intended to recover for the personal injury. For any other injury an action may be brought or revived by the personal representative, or against the personal representative, heir or devisee, in the same manner as causes of action founded on contract.

By Mr. Weathers.

H. B. No. 133 AN ACT relating to the authority of peace officers concerning height, length, width and weight limits of motor trucks, semitrailer trucks and trailers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.223 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the exception provided in subsection (2) any peace officer having reason to believe that the height, length, width or weight of any motor truck, semi-trailer truck, or trailer, is in excess of the maximum limits prescribed by KRS 189.221 and 189.222 or permitted by any special permit issued under KRS 189.270 and in the possession of the operator, may measure it or weigh it either by portable or stationary scales, and may require it to be driven to the nearest scales, if such scales are within a distance of five miles from the point at which the vehicle is first directed to stop. If the officer shall determine that the operation of the motor truck, semi-trailer, or trailer, was unlawful, he shall require the operator of said motor truck, semi-trailer truck, or trailer to unload such portion of the load as may be necessary to decrease the gross weight of the vehicle to the maximum gross weight permitted under the terms of KRS 189.221 and 189.222 or of KRS 189.270, or he may, at the election of the operator, permit the operator to move the vehicle with its load to the nearest city or nearest court having jurisdiction, at which place the excess load shall be unloaded. The excess load shall be unloaded at the sole risk of the owner. The refusal of the

operator to permit his motor truck, semi-trailer truck, or trailer to be measured or weighed, or to proceed to a scales, or to unload the excess load, shall constitute a violation of KRS 189.221 to 189.228.

(2) Members of city police departments or forces shall not enforce the provisions of subsection (1) on highways which are a part of the state-maintained system of highways.

REPORT OF SPECIAL COMMITTEE

Mr. Head of the Contest Committee, heretofore selected by this House in accordance with the provisions of the Constitution and of this Commonwealth to hear the contest and to determine the right of a seat in this House from the 87th Legislative District, composed of the County of Knox, makes the following report.

Final Report Of The Committee Of The House of Representatives Appointed To Hear The Contest Suit Between The Hon. W. B. Frazier And The Hon. C. M. Greene.

After due consideration the House Committee appointed to hear the election contest between W. B. Frazier, Contestant, and C. M. Greene, Contestee, hereby reports to the House of Representatives that it is their considered and unanimous opinion that Charles M. Greene should retain his seat in the House of Representatives, namely, District No. 87 comprising Knox County, Kentucky.

This Committee, of course, understands that their decision and recommendation is not final or conclusive and that it is their duty, therefore, to report their conclusion to the members of the House of Representatives for further action since it is for the House of Representatives to finally determine the person legally entitled to the contested seat in the House of Representatives.

The Committee further suggest that immediate action be taken in this matter.

/s/ John A. Head, Chairman
/s/ Bart N. Peak

/s/ Edw. O. Bridgers
/s/ Harold Edwards
/s/ Hicks Wells
/s/ E. R. Hilton
/s/ J. E. Bach
/s/ E. A. Spencer

Mr. Head moved the adoption of said report.

Said motion was agreed to.

Thereupon the Speaker declared the said Charles M. Greene, from the 87th Legislative District, composed of the County of Knox, to be the duly and regularly elected, qualified acting member of this House from the 87th District and entitled to all the rights and privileges of this House, he having heretofore been given the oath of office, as required by law, by the Honorable James W. Cammack, Judge of the Court of Appeals.

REFERAL OF BILLS

House Bill No. 56 Kentucky Statutes No. 2

House Bill No. 95 Kentucky Statute No. 2

House Bill No. 96 Kentucky Statutes No. 2

House Bill No. 97 Kentucky Statutes No. 2

House Bill No. 98 Kentucky Statutes No. 2

House Bill No. 99 Kentucky Statutes No. 2

House Bill No. 100 Kentucky Statutes No. 2

House Bill No. 101 Kentucky Statutes No. 2

House Bill No. 102 Public Utilities

House Bill No. 103 Public Utilities

House Bill No. 104 Cities of Second Class

House Bill No. 105 Courts & Legal Procedures

House Bill No. 106 State Fair

House Bill No. 107 Revenue & Taxation

House Bill No. 108 Kentucky Statutes No. 2

House Bill No. 109 Education

House Bill No. 110 Kentucky Statutes No. 1

House Bill No. 111 Kentucky Statutes No. 1

House Bill No. 112 Kentucky Statutes No. 2

House Bill No. 113 Kentucky Statutes No. 2

House Bill No. 114 Compensation for Industrial Injuries

House Bill No. 115 Kentucky Statutes No. 2

House Bill No. 116 Courts & Legal Procedures

House Bill N. 34 Kentucky Statutes No. 1

House Bill No. 44 Kentucky Statutes No. 1

House Res. No. 9 Kentucky Statutes No. 2

House Res. No. 6 Ways & Means

House Res. No. 7 Kentucky Statutes No. 2

House Res. No. 8 Kentucky Statutes No. 2

House Bill No. 2 Kentucky Statutes No. 2

House Bill No. 79 Cities of Second Class

House Bill No. 57 Judiciary & Judicial Council

REPORT OF COMMITTEES

Mr. Fred Morgan, Secretary of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 74. AN ACT relating to the Workman's Compensation Act authorizing the Tuberculosis Sanatoria Commission to elect to come under the provisions of the Act.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed on the Calendar.

Mr. Fred Morgan, Secretary of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 73. AN ACT relating to the Kentucky water pollution control commission.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed on the Calendar.

Mr. Fred Morgan, Secretary of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 72. AN ACT relating to births and deaths, amending section 213.150 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed on the Calendar.

Mr. Fred Morgan, Secretary of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 69. AN ACT relating to income taxation.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed on the Calendar.

Mr. Fred Morgan, Secretary of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 62. AN ACT relating to nacotic drugs, amending Section 218.210 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed on the Calendar.

Mrs. J. T. Linton of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 66. AN ACT concerning inheritance taxes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time an Ordered placed on the Calendar.

Mrs. J. T. Linton of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 68. AN ACT to repeal, amend and re-enact Section 382.300, Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed on the Calendar.

Mrs. J. T. Linton of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a resolution of the following title, viz:

H. Res. No. 4. A JOINT RESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

With the expression of opinion that same should pass.

Whereupon, said resolution was read at length for the first time and Ordered placed on the Calendar.

Mrs. J. T. Linton of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 27. AN ACT relating to implied warranties concerning the soundness or condition or suitability for use of certain articles of food or drink, and the service of process in actions based upon such warranties.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary not withstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

CALENDAR

The House took up for consideration from the Calendar H. B. No. 36 of the following title, viz:

H. B. No. 36. AN ACT relating to time.

The constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by the title only and

Ordered that said bill be placed in the Orders of the Day.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 21. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restrictions on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.200 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The Board of Aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provided for licensing any business, trade, occupation or profession, and the using, holding, or exhibiting of any animal, article, or other thing. License fees on such business, trade, occupation or profession for revenue purposes shall be imposed at a rate not to exceed one percent (1%) of (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city, and (b) the net profits of all businesses, professions, or occupations from activities conducted in the city. Licenses imposed for regulatory purposes shall not

be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state, or in other case where the city is prohibited by statute from imposing a license tax.

(2) License fees or taxes shall be collected by the Commissioners of the Sinking Fund. The proceeds from such taxes shall be paid to the Secretary and Treasurer of the Sinking Fund until income from all sources of the Sinking Fund shall be sufficient to pay the costs of administration and the interest charges for the current fiscal year of the Sinking Fund, in addition to a sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables.

(3) Revenues remaining after meeting the foregoing requirements shall be transferred to the city. Such revenues shall be credited to the General Fund of the city as received until such receipts during the fiscal year of the city shall reach the sum of Three Million Seven Hundred and Fifty Thousand Dollars ($3,750,000.00). Any revenues in excess of said amount received during the fiscal year of the city shall be placed in an account designated "Special Capital Fund Account" and expended for capital improvements as hereinafter defined. Provided, however, twenty-five percent (25%) of the revenues so deposited to such Special Capital Fund Account during the fiscal year commencing next following the effective date of this Act, or any lesser amount remaining in said Fund at the end of said fiscal year, may be transferred to the General Fund of the city at the beginning of the fiscal year thereafter. After the initial division of said portion to the General Fund, twenty-five percent (25%) of the revenues so deposited to the Special Capital Fund Account during each fiscal year of the city, or any lesser amount remaining in said Fund at the end of said fiscal year, may be transferred to the General Fund of the city at the beginning of the succeeding fiscal year; provided further that funds from the Special Capital Fund Account may be encumbered for purposes

other than capital improvements only after transfer to the General Fund.

(4) The term "Capital improvements" as used herein shall refer to lands or buildings and structures, or either or both, but shall be limited to additions or improvements of a substantial and permanent nature and shall include but not be limited to the purchase of rights-of-way for highway and expressways, the purchase of lands for park and recreational purposes and for public off-street parking facilities, the purchase or construction of municipal buildings, and the renovation and initial equipment of any newly acquired facility, wherein any essential governmental function of the municipality may be located or carried on, and for the purchase and installation of traffic control devices. The term "capital improvements" as used herein shall not include the maintenance of existing streets or other public ways except that the purchase of rights-of-way for widening of existing streets shall be considered a capital improvement as herein defined.

(5) Ad valorem taxes for the benefit of the Sinking Fund shall not be levied unless the income of the Sinking Fund is otherwise insufficient to meet such requirements.

(6) Licenses shall be issued and enforced on such terms and conditions as may be prescribed by ordinance.

Section 2. Whereas, revenues from licenses in cities of the first class are available to the extent contemplated in this Act; and, whereas, under the present law a large portion of such revenues are allocated for special purposes for which such cities have not present use; and whereas such cities are in immediate need of unalocated funds for general uses, as provided by this Act, an emergency is hereby declared to exist, and this Act shall be effective immediately upon its passage and approval by the Governor.

Ordered that said bill be read for the third time.

Mr. Lowman moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only, and placed upon its passage.

Said motion was agreed to by the majority of the members elected. Mr. McCallum moved the previous question.

Whereupon the Speaker announced "shall the main question be now put?"

Which was decided in the affirmative.

Whereupon the Constitutional provisions as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Herbert Fern	Russell L. Meadows
Dr. John Adkins, Jr.	Wm. P. Friedlander	Tom Mobley
Henry Arrowood	Henry J. Giles	Robert H. Moore
J. Everett Bach	Chas. M. Greene	Walter R. Moorman
Sidney Baer	Henry C. Hale	Fred H. Morgan
John Rhea Banton	Eugene B. Hancock	Earl F. Murphy
Clarence J. Barnum	George F. Harris	Thomas J. Murphy
Owen Billington	John Head	Ewin C. Neville
Wm. W. Blanton	Farmer Helton	Bart N. Peak
R. O. Blevins	William K. Henry	Louis T. Peniston
J. C. Bradley	Thomas D. Hewlett	Hobart Rayburn
Ed. T. Breathitt	Henry R. Heyburn	Tipton Reed
Edward O. Bridgers	E. R. Hilton	J. F. Robinson
Thomas L. Britton	Ray Holbrook	Earl Rogers
Mrs. Mary E. Burnete	Chester J. Holsclaw	Joe Rouse
Walter J. Chyle, Jr.	William M. Horn	Carl J. Ruh
Marvin A. Cornett	Paul S. Jonas	Amos Runyon
R. Josh Cosby	William L. Jones	Cecil Sanders
Charles M. Crowe	Jennings Kearby	Clem Schroader
C. E. Dowell	James W. Lambert	Dr. B. F. Shields
James A. Dressman, Jr.	Jesse H. Lawrence	John A. Sloan
Thomas R. Duncan	Paul M. Lewis	E. A. Spencer
R. L. Dunigan	Mrs. J. T. Linton	Mrs. Thelma Stovall
Harold Edwards	Harry K. Lowman	E. H. (Ted) Stumbo
William Engle	William Maglinger	Egbert V. Taylor
Roscoe Estep	Shelby McCallum	Albert Thomason

William F. Threlkeld	W. W. Webster	Charles W. Wirsch
Marion Vance	Morris Weintraub	Walker H. Wiseman
J. B. Veech	Hicks Wells	Garrett L. Withers
Eulick (Mike) Walsh	William B. Wells	Charles W. Burnley
Wm. Thos. Wathen	W.A.(Pete)Wickliffe	Speaker
L. M. Weathers		—92

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Said bill was ordered delivered to the Senate.

Mr. Weathers moved that Clarissa Jane and Carol Jean Neville of Arlington, Kentucky, be made Honorary Pages for the regular session of the 1952 General Assembly.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill, originating in that body as follows, viz;

S. B. No. 1. AN ACT relating to bribery of participants in professional or amateur games, sports, contests and horse racing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whoever gives, promises or offers to any professional or amateur baseball, football, hockey, polo, tennis or basketball player or boxer or any player who participates or expects to participate in any professional or amateur game or sport or any jockey, driver, groom or any person participating or expecting to participate in any horse race, including owners of race tracks and their employees, stewards, trainers, judges, starters or special policemen, or to any manager, coach or trainer of any team or participant or prospective participant in any such game, contest or sport, any valuable thing with intent to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in a baseball, football, hockey or basketball game, boxing, tennis or polo match or a

horse race or any professional or amateur sport, or game, in which such player or participant or jockey or driver, is taking part or expects to take part, or has any duty or connection therewith, is guilty of a felony, punishable by imprisonment for not less than one year, nor more than ten years and by a fine of not more than ten thousand dollars.

Section 2. Any professional or amateur baseball, football, hockey, basketball, tennis or polo player, boxer, or jockey, driver, or groom or participant or prospective participant in any sport or game or a manager, coach or trainer of any team or individual participant or prospective participant in any such game, contest or sport, who solicits or accepts any valuable thing to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in a baseball, football, hockey or basketball game or boxing, tennis or polo match, or horse race or any game or sport in which he is taking part, or expects to take part, or has any duty or connection therewith, is guilty of a felony, punishable by imprisonment for not less than one year, nor more than five years and by a fine of not more than ten thousand dollars.

Section 3. WHEREAS, the conduct for which this Act imposes a penalty is responsible for widespread indignation and loss of confidence in the sports and activities included herein and constitutes an imminent danger to the existence and continuation of the amateur, collegiate and professional sports and activities included herein, and seriously endangers the welfare of all of the persons and institutions participating in or connected with such sports;

NOW, THEREFORE, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be printed and referred.

The message from the Senate also announced that they had passed a bill, which originated in the House, of the following title, viz:

H. B. No. 12. AN ACT relating to appropriations for the operation, maintenance, support and functioning of the govern-

ment of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies and other state supported activities.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mrs. Stovall moved that the House do now recess for one hour, for the purpose of having committee hearings.

Said motion was agreed to.

And the House recessed to the hour of 12:15 o'clock p.m.

The Hour of 12:15 o'clock p.m. having arrived, the Speaker resumed the chair, and called the House to order.

Mr. Ruh moved that the rules of the order of business be suspended for the purpose of making committee reports.

Said motion was agreed to.

COMMITTEE REPORTS

Mr. Ruh, of the Committee of Cities of the Second Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 59. AN ACT relating to policemen's and firemen's pension funds in cities of the second and third classes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Hilton, of the Committee on Elections, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Blanton, of the Committee on Judiciary & Judicial Council, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 11. AN ACT relating to terms of court in the Fifteenth Judicial District.

With committee amendment thereto by way of substitute, therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (15) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in county at the following named time, and continue, if the business requires it, the number of days hereinafter pre-prescribed:

* * * * *

(15) *Fifteenth District.* Boone County, at Burlington, on the second Monday in April, August and December, twelve juridical days each.

Carroll County, at Carrollton, on the fourth Monday in April, August and November, twelve juridical days each.

Gallatin County, at Warsaw, on the third Monday in March and third Monday in June, twelve juridical days each; on the third Monday in November, six juridical days.

Grant County, at Williamstown, on the first Monday in February and October, eighteen juridical days each; on the first Monday in July, twelve juridical days.

Owen County, at Owenton, on the first Tuesday after the fourth Monday in February and October, seventeen juridical days each; on the third Monday in July, eighteen juridical days.

Section 2. This Act shall become effective on September 1, 1952.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Peniston of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 116. AN ACT relating to terms of court in the Twenty-Fourth Judicial District.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Peniston of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 53. AN ACT concerning certain changes in the provisions concerning the involuntary dissolution of private corporations.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Cosby of the Committee on Fish and Game, to which the same had been previously referred, reported a bill of the following title, viz:

H. B. No. 1. AN ACT relating to the issuance of duplicate game, hunting, and fishing licenses and tags where such original license or tag is lost or destroyed; providing fees for such duplicate.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Weintraub moved that the rules of the order of business be suspended for the purpose of introduction of bills.

Said motion was agreed to by a majority of the members elected.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Morgan, Hilton, Wirsch, Sheehan, Friedlander, Dressman, Ruh, Thomas Murphy, Weintraub and Mrs. Stovall.

H. B. No. 134. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) section 342.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the parties fail to reach an agreement in regard to compensation under this chapter, or if they have previously filed such an agreement with the board and compensation has been paid or is due in accordance therewith and the parties thereafter disagree, either party may make written application to the board for a hearing in regard to the matter at issue and for a ruling thereon. Such application for a hearing must be filed as soon as is practicable after disagreement or after the cessation of voluntary payments, if any have been made.

Section 2. Section 342.265 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the employe and employer reach an agreement conforming to the provisions of this chapter in regard to compensation, a memorandum of the agreement shall be filed with the board by the employer, and, if approved by it, shall be enforceable as is herein provided for the enforcement of awards of the board. Nothing herein shall prevent the voluntary payment of compensation in the amounts and for the periods prescribed in this chapter without formal agreement, but nothing shall operate as a final settlement except a memorandum of agreement filed

with and approved by the board in accordance with this section or the expiration of the time limit prescribed in KRS 342.185.

(2) The time limit prescribed in KRS 342.185 for the making of a claim for compensation shall be tolled from the time an agreement is reached between the employe and employer until such time as the employer files with the board a memorandum thereof as if required in subsection (1). Failure of an employer to file with the board a memorandum of an agreement within thirty days after agreement is reached shall result in any subsequent award of compensation being increased fifteen percent over and above the amount the employer would have otherwise been liable for.

Said bill is ordered to be printed and referred.

By Mr. Weathers.

H. B. No. 135. AN ACT relating to liquefied petroleum gas.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act the term "liquefied petroleum gas" means and includes any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them, whether in the liquid or in the gaseous states: Propane, propylene, butane (Normal butane or isobutane), and butylene.

Section 2. No person shall transport in any manner within this state liquefied petroleum gas in containers of a type not approved by the Commissioner of Insurance.

Section 3. (1) Subject to the exceptions provided in subsection (2), no person shall engage, in any of the businesses set out herein without first having obtained from the Commissioner of Insurance the required license or licenses and paid the prescribed fee therefor:

(a) Selling, to the ultimate consumer, of gas containers, or gas regulating equipment for use with liquefied petroleum gas ---------- $ 50.00

(b) Assembling, repairing or installing of liquefied

petroleum gas containers, and regulating equipment, or connecting appliances to liquefied petroleum gas lines__ 50.00

(c) Selling and/or delivering liquefied petroleum gas in prefilled containers (this license does not authorize the filling of containers or delivery by tank truck) _____ 50.00

(d) Engaging in all the businesses set out in paragraphs (a), (b) and (c), and having not more than five hundred customers (this license shall be in lieu of the three individual licenses required by paragraphs (a), (b) and (c) _____$ 50.00

(e) Engaging in all the businesses set out in paragraphs (a), (b) and (c) and having more than five hundred customers . . . . to be licensed under paragraph (j) which license shall be in lieu of all other licenses.

(f) Storing, for resale, of liquefied petroleum gas in other than I. C. C. containers _____ 100.00

(g) Transporting of liquefied petroleum gas, by tank truck, over the highway of this state _____ 100.00

(h) Delivering of liquefied petroleum gas to any person, by tank truck, or the delivering, to any person other than the ultimate consumer, in containers, except where the delivering is incidental to the carrying on of a business licensed under paragraph (d) herein _____ 100.00

(i) The filling of liquefied petroleum gas containers _ 100.00

(j) Engaging in all or any combination of the businesses set out in paragraph (a) to (h), inclusive (this license shall be in lieu of all individual licenses required herein __ 100.00

(2) No person shall be required to obtain a license in order to engage in the following activities concerning liquefied petroleum gas:

(a) Storage, by the ultimate consumer, for consumption only.

(b) Transportation, by the ultimate consumer, in quantities of ten gallons or less.

(c) Handling in quantities of less than one gallon U. S. water capacity, where the gas is an integral part of a device for its utilization.

(d) Use as a fuel, while in the fuel tank of a motor vehicle.

(3) Any person engaged in any business for which a license is required under the provisions of subsection (1) and who engages in such business at more than one office or place of business in this state shall obtain a separate license for each such office or place of business and shall pay therefor the required license fee; except that for the purpose of issuance of licenses under paragraphs (e) and (i) of subsection (1) all facilities for the storage of liquefied petroleum gas for resale within a radius of twenty miles of an office or place of business shall be considered a part of such office or place of business and shall not require separate licensure.

Section 4. (1) The license required under Section 3 shall be issued on a calendar year basis and shall be procured from the Commissioner of Insurance prior to the time of beginning business. All licenses and renewals thereof shall expire on December 31 of each year.

(2) Any person applying for a license after July 1 of any year shall be required to pay therefor only one-half of the applicable fee for that calendar year.

(3) Every person licensed under the provisions of this Act who desires to continue in business shall, during January of each year, procure from the Commissioner of Insurance a renewal license for which he shall pay a fee equal to the original license fee. Failure to procure a renewal license prior to January 31 of the year for which it is issued shall result in the imposition of a penalty equal to twenty percent of the renewal fee which shall be paid to the Commissioner of Insurance in addition to the renewal fee.

Section 5. The Commissioner of Insurance, after a public hearing thereon, shall make, promulgate and enforce regulations setting forth minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer,

and utilizing liquefied gases, and specifying the odorization of said gases and the degree thereof. Said regulations shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Section 6. It is hereby declared that regulations in substantial conformity with the published standards of the National Board of Fire Underwriters for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases as recommended by the National Fire Protection Association shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Section 7. All moneys collected under the provisions of this Act shall be paid into the State Treasury and credited to a trust and agency fund to be used by the Department of Insurance solely for the administration and enforcement of this Act.

Section 8. After having been given notice to cease and desist and ten day's time in which to correct the violation, any person who continues to violate any of the provisions of this Act, or any of the rules and regulations promulgated thereunder, shall be fined not less than twenty-five nor more than two hundred dollars.

Section 9. Sections 234.010 to 235.050 and 234.990 of the Kentucky Revised Statutes are repealed.

Section 10. This Act shall take effect on January 1, 1953.

Said bill is ordered to be printed and referred.

By Mr. Hale.

H. B. No. 136. AN ACT relating to the equipment of rail track motor cars used or furnished by common carriers by railroad for transporting employes; providing for the extension of necessary time in which to equip said cars; and penalizing those carriers who operate or furnish for operation such unequipped cars to their employes for transportation to or from their place or places of labor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be unlawful for any owner or operator of a railroad running through or within the boundaries of the Commonwealth of Kentucky and engaged in the business of a common carrier of both property and persons, or of either property or persons, for compensation, to operate for or furnish its employes to transport one or more of them to or from the place or places where they are required to labor for said owner or operator when said car is not equipped with a substantial top that will protect the inmates thereof from rain, snow, sleet and hail, and with a transparent windshield sufficient in width and height to protect the inmates of the car from wind or water, which windshield shall be made of material that is properly designated as unbreakable glass, and also such car shall be equipped with a permanently installed electric head lamp with such candle power as to render visible at a distance of three hundred feet in advance of such car at night, or during inclement or foggy weather in daytime, any obstruction, land mark, warning sign or grade crossing on such railroad and shall also be equipped with two electric red lights on the rear end thereof with sufficient candle power so as to be visible at a distance of three hundred feet in the rear of such car at night or during inclement or foggy weather in the daytime, and such car shall also be equipped with an electric windshield wiper that will efficiently remove rain, snow and sleet from the windshield on such car while such car is moving, and said windshield wiper shall be so devised that the driver of said car can start or stop said windshield wiper while he is driving the car.

Section 2. Any owner or operator of a railroad running through or within this state as a common carrier of persons or property or both, for compensation, who either operates for its employes, or who furnishes to its employes for their transportation to or from the place or places where they are required to labor, a rail track motor car that has not been fully equipped as required by Section 1 of this Act, shall be fined not less than one hundred dollars, nor more than five hundred dollars for each

offense, and each day or part of a day it operates of furnishes each of such rail track motor cars not so equipped as provided in Section 1 of this Act, to its employes for operation to or from the place or places where they are required to work shall constitute a separate offense; provided that any common carrier that has not been able to equip its rail track motor cars as required by the provisions of Section 1 of this Act, on or before the effective date thereof can, by applying to the Railroad Commission, which is hereby authorized to, and upon good cause shown, grant by order, additional time to any owner or operator of a common carrier by railroad, in which to equip such cars, not to exceed one year from the effective date of this Act and, when such an order has been granted by said Railroad Commission to such carrier, the provisions of this Act penalizing rail carriers who do not so equip their cars shall not be applicable to those carriers securing such an order for such additional time in which to so equip their cars during the period granted to them only by order of the Railroad Commission.

Said bill is ordered to be printed and referred.

Mr. Horn moved that when the House do adjourn today that it adjourn in memory of Major General Edgar Erskin Hume, Frankfort, Kentucky, highly decorated for services rendered in World War I and World War II and the Korean conflict.

Said motion was agreed to.

Mr. Lowman moved that the House do now adjourn to meet again at 8:00 o'clock p.m., Monday, January 28, 1952.

Said motion was agreed to.

And then the House Adjourned.

MONDAY, JANUARY 28, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, Pastor of the Episcopal Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams
Dr. John Adkins, Jr.
Henry Arrowood
Everett J. Bach
Sidney Baer
Clarence J. Barnum
Owen Billington
Wm. W. Blanton
R. O. Blevins
J. C. Bradley
Ed T. Breathitt
Edward O. Bridgers
Thomas L. Britton
Mrs. Mary E. Burnete
Alex H. Calvert
Walter J. Chyle, Jr.
Marvin A. Cornett
Josh R. Cosby
Charles M. Crowe
J. C. Denney, Jr.
C. E. Dowell
James A. Dressman, Jr.
Thomas R. Duncan
R. L. Dunigan
Jack Early
Harold Edwards
William Engle
Roscoe Estep
Herbert Fern
Wm. P. Friedlander
Leslie Gay
Chas. M. Greene
Henry C. Hale
Eugene B. Hancock
John Head
Farmer Helton
William K. Henry
Thomas D. Hewlett
Henry R. Heyburn
E. R. Hilton
Ray Holbrook
Chester J. Holsclaw
William M. Horn
Paul S. Jonas
William L. Jones
Jennings Kearby
James W. Lambert
Jesse H. Lawrence
Paul M. Lewis
Mrs. J. T. Linton
Harry K. Lowman
William Maglinger
Shelby McCallum
Russell L. Meadows
Tom Mobley
Robert H. Moore
Walter R. Moorman
Fred H. Morgan
Earl F. Murphy
Thomas J. Murphy
Ewin C. Neville
Bart N. Peak
Louis T. Peniston
Tipton Reed
J. F. Robinson
Earl Rogers
Joe Rouse
Carl J. Ruh
Amos Runyon
Cecil Sanders
Clem Schroader
Gus F. Sheehan, Jr.
Dr. B. F. Shields
John A. Sloan
E. A. Spencer
Mrs. Thelma Stovall
E. H. (Ted) Stumbo
Egbert V. Taylor
Albert Thomason
William F. Threlkeld
Marion Vance
J. B. Veech
Eulick (Mike) Walsh
Wm. Thos. Wathen
L. M. Weathers
W. W. Webster
Hicks Wells
William B. Wells
W. A. (Pete) Wickliffe
Charles W. Wirsch
Walker H. Wiseman
Garrett L. Withers
Charles W. Burnley
Speaker

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees being as follows: John Rhea Banton, Lewis W.

Combest, Henry J. Giles, George F. Harris, G. Lee McClain, Hobart Rayburn, and Morris Weintraub.

Mr. Reed moved that Dr. and Mrs. Adron Doran be granted the privilege of the floor.

Said motion was agreed to.

Mr. Sheehan moved that the reading of the Journal of the proceedings of Thursday, January 24, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Lowman moved that H. B. No. 36 be made a Special Order of business Thursday, January 31, 1952 at 1:30 o'clock p.m.

Said motion was agreed to.

RESOLUTIONS

Resolutions of the following titles were introduced, viz:

By Mr. Lowman.

H. Res. No. 13. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purposes of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky, there is set aside out of the appropriation made by Chapter one of the Acts of 1950 for legislative sessions as a contingent fund, the sum of Two Thousand ($2,000.00) Dollars, and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives, of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter One of the Acts of 1950 for legislative sessions as a contingent fund, the sum of Two Thousand ($2,000.00) Dollars. Said respec-

tive funds, shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerks of the Senate and of the House of Representatives.

WHEREAS, it is necessary that these contingent funds for the Chief Clerks of the Senate and House of Representatives be immediately available, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Said resolution was ordered printed and referred.

By Mr. Lowman.

H. Res. No. 14. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest," and declaring an emergency.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. The Perry Publishing Company is authorized and directed to furnish 200 copies of "The Legislative Digest," each day the House or Senate is in session, for delivery and distribution as provided in Section 2 of this Resolution, for which said company shall be paid the sum of $4,500.00 out of the appropriation for expenses of legislative sessions for the current fiscal year made by Chapter one of the Acts of 1950. The Department of Finance shall issue its warrant for payment of this amount upon receipt of a voucher for the same endorsed and approved by the Speaker of the House of Representatives and the President of the Senate.

2. The distribution of "The Legislative Digest" shall be as follows:

(a) 110 copies to the Clerk of the House for distribution to the members of the House and to such officers of the House as the Speaker may direct.

(b) 45 copies to the Clerk of the Senate for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct.

(c) 45 copies to the Governor and to such officers and employes of the Comonwealth as the Governor, the President of the Senate and the Speaker of the House may direct.

3. WHEREAS, in order that the functions of the General Assembly may be expedited, it is essential that The Legislative Digest be available to the members during the present session, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

Said resolution was ordered printed and referred.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Lowman.

H. B. No. 137. AN ACT relating to the diagnosis treatment or correction of all human conditions, ailments, diseases, injuries or infirmities, including the regulation and control of the practice of medicine and osteopathy and the sale of related medicines, instruments, apparatus, mechanisms and appliances.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act:

(1) "Board" means the State Board of Health.

(2) "President" means the President of the State Board of Health.

(3) "Secretary" means the Secretary of the State Board of Health, or any assistant Secretary thereof appointed as such by the Board.

(4) "Regular license" means a license to practice medicine or osteopathy at any place in this state.

(5) "Limited license" means a license to practice medicine for a limited time, place and purpose.

(6) "Temporary permit" means a permit issued to a person who has applied for a regular license, and who appears to the Secretary to be qualified and eligible therefor.

(7) Except as provided in subsection (8) of this section, the "practice of medicine or osteopathy" means the diagnosis, treatment or correction of any and all human conditions, ailments, diseases, injuries or infirmities by any means, methods, devices or instrumentalities.

(8) The "practice of medicine" does not include the practice of Christian Science, the practice of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS 320.010, the practice of chiropractic as defined in KRS 312.010(2), the practice of nursing as defined in KRS 314.010, the practice of pharmacy by persons licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus, or mechanisms that are intended, advertised or represented as being for the treatment, correction, cure or relief of any human ailment, disease, injury, infirmity or condition, in regular mercantile establishments, or the practice of midwifery by women; provided, however, that this Act shall not be construed as repealing the authority conferred on the Department of Health and its Division of Child Hygiene by KRS Chapter 211 to provide for the instruction, examination, licensing and registration of all midwives through county health officers.

Section 2. It is the declared policy of the General Assembly of Kentucky that the practice of medicine and osteopathy, and the sale of those items enumerated in subsection (2) of section 4, should be regulated and controlled as provided in this Act in order to prevent empiricism and to protect the health and safety of the public.

Section 3. (1) Except as provided in subsection (2) of this section, no person shall engage or attempt to engage in the practice of medicine or osteopathy within this state, or open, maintain or occupy an office or place of business within this state for engaging in the practice of medicine or osteopathy, or in any manner announce or express a readiness to engage in the practice of medicine or osteopathy within this state, unless he holds a valid and effective license or permit issued by the board as hereinafter provided.

(2) The provisions of subsection (1) of this section shall not apply to:

(a) Commissioned medical officers of the armed forces of the United States, or medical officers of the United States Public Health Service, the United States Veterans Administration and other agencies of the government of the United States of America, while said persons are engaged in the performance, within this state, of their official duties under federal laws.

(b) Persons, who being non-residents of Kentucky and lawfully licensed to practice medicine or osteopathy in their states of actual residence, infrequently engage in the practice of medicine or osteopathy within this state, when called to see or attend particular patients, without opening, maintaining or occupying an office or place of business within this state.

(c) Graduates of medical or osteopathic schools approved by the board, while engaged in performing supervised internship training approved by the board at hospitals in this State; provided, however, that this shall not be construed to otherwise exempt internes, or to exempt in any manner resident or staff physicians of hospitals, from the licensure requirements of this Act.

Section 4. (1) No person shall engage as an itinerant vendor or peddler of any drugs, nostrums, patent or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus or mechanisms that are intended, advertised, or represented as being for the treatment, correction, cure or relief of any human ailment, disease, injury, infirmity or condition.

(2) No person, other than a person licensed by the board to practice medicine or osteopathy, shall sell or offer for sale to the general public in this state, any drugs, nostrums, patent or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus or mechanisms that are intended, advertised or represented as being for the treatment, correction, cure or relief of any human ailment, disease, injury, infirmity or condition, except in regularly established mercantile establishments which

shall be subject to inspection at all times by representatives of the board. The provisions of this section are intended to be in addition to any existing laws relating to the subject matter treated herein.

Section 5. (1) Subject to the provisions of this Act, the board shall exercise all of the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy. The board is authorized to issue reasonable rules and regulations establishing requirements, standards and tests to determine the moral, physical, intellectual, educational, scientific, technical and professional qualifications of applicants for licenses and permits to practice medicine and osteopathy, and to issue, deny, suspend and revoke licenses, and to place licensees on probation, in compliance with the provisions of this Act, so as to carry out the legislative policy declared in section 2 of this Act.

(2) The board is authorized in its sound discretion to:

(a) Appoint one or more assistant secretaries, who need not be members of the board, and fix their compensation. Each assistant secretary shall be under the supervision and control of the secretary and shall be authorized to discharge the duties of the secretary as provided by this Act.

(b) Appoint one or more hearing officers, who need not be members of the board, and fix their compensation. Every such hearing officer shall be vested with the full and complete power and authority of the board to schedule and conduct hearings on behalf of and in the name of the board on all matters referred for hearing by the board or secretary thereof, including, among other things, proceedings for placing licensees on probation and for suspension and revocation of licenses, and shall cause to be prepared and furnished to the board, for decision thereon by the board, a complete written transcript of the record of the hearing which shall contain all evidence introduced at the hearing and all pleas, motions and objections and all rulings of the hearing officer. Every such hearing officer shall be authorized to administer oaths and issue summonses, notices and subpoenas, but shall not be empowered to place any licensee on probation or to issue, refuse, suspend or revoke any license.

(c) Promulgate, in the manner prescribed by subsection (4) of section 12, a code of conduct governing the practice of medicine and osteopathy, which shall be based upon generally recognized principles of professional ethical conduct.

(d) Utilize gratuitous services and facilities of professional organizations, and procure and receive the assistance and recommendations of said organizations in administering this Act.

(e) Make its personnel and facilities available to other regulatory boards, commissions and agencies of this state upon such terms and conditions for reimbursement as may be mutually agreed to by and between the board and such other board, commission or agency.

(f) Enter into reciprocal agreements with medical examining boards of other states, having qualifications and standards at least as high as those of this state, providing for reciprocal licensure without further examination of persons who have been duly licensed upon written examination. Approval of such agreements by the Governor, or any other officer or agency of this state, shall not be required.

(g) Issue regular licenses by reciprocity or endorsement, and without further examination, to persons who have been duly licensed upon written examination in another state having qualifications and standards at least as high as those of this state, or who have successfully passed an examination conducted by the National Board of Medical Examiners.

(h) Issue and renew, or refuse to issue or renew, or cancel and terminate limited licenses pursuant to rules and regulations prescribed by the board.

(i) Appoint examiners, who need not be members of the board, and employ or contract with the American Public Health Association or the National Board of Medical Examiners or other organizations, agencies or individuals to prepare examination questions and grade examination papers.

(j) Determine the schools, colleges, universities, institutions, and training acceptable in connection with licensure under this Act.

(k) Prescribe the time, place, method, manner, scope and subjects of examinations; provided, however, that at least two examinations shall be held annually.

(l) Prescribe all forms which it considers appropriate, and require the submission of photographs, fingerprints, and personal history data.

(m) Prescribe and collect, subject to the maximums set out herein, reasonable fees and charges for examinations and issuance of licenses and permits. The maximum fees and charges shall be as follows:

Admission to any complete examination, including regular or limited license issued pursuant thereto	$ 50.00
Application for licensure by reciprocity or endorsement	100.00
Certifying a licentiate of this state to the licensing agency of another state	10.00
Each renewal of a limited license	50.00
Temporary permit issued by secretary	25.00
Duplicate license certificate	10.00

Section 6. (1) No person shall be eligible for a regular license under this Act, unless (a) at least twenty-one years of age, (b) of good moral character, (c) a citizen of the United States of America,(d) graduated from an accredited high school or its equivalent and satisfactorily completed and graduated from a four year course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the board during the entire period of attendance thereat, (e) satisfactorily completed at least one year internship in an institution approved by the board, and (f) possessing all of the other qualifications that may be prescribed by rules and regulations of the board. Provided, however, that the foregoing shall not be construed to prohibit the board from issuing a regular license to persons who have attended medical or osteopathic schools or colleges situated outside the United States or Canada if such schools or colleges are approved by the board and if the applicant has successfully completed at least five years training in the United States in a hospital or other institution approved

by the board and has also successfully passed a regular examination conducted by the National Board of Medical Examiners.

(2) Subject to the exceptions set out herein, no person who possesses the qualifications set out in (a), (b) and (c) of subsection (1), and who has been graduated from an accredited high school, has satisfactorily completed a premedical course of instruction of at least two years in an accredited college or university, has satisfactorily completed and been graduated from a four year course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the American Medical Association or the American Osteopathic Association during the entire period of attendance thereat, and who has completed an internship of one year in a hospital approved for such training by the same associations, shall be denied admission to the examination in this state for a regular license, upon payment of the prescribed fee. However, the board may deny admission to the examination or refuse to issue a license upon successful passage of the examination upon proof that a person: (a) has been convicted for violating any state or federal narcotic or barbiturate law, (b) has had his license suspended or revoked in some other state, (c) has been convicted of a felony, (d) is emotionally unstable, (e) has been adjudged to be of unsound mind, (f) has violated section 9 of this Act, or (g) has engaged in any acts or conduct that would constitute grounds for suspension or revocation of a license under this Act.

(3) No person shall be eligible for a limited license unless (a) at least twenty-one years of age, (b) of good moral character, (c) a citizen of the United States, or has filed with a United States District Court "first papers" for United States citizenship, (d) actually residing in Kentucky at the time of making application or expressing in writing an intention to become an actual resident of this state after issuance of the limited license, (e) has been graduated from an accredited high school or its equivalent and completed a premedical course of instruction of at least two years in an accredited college or university and has satisfactorily completed and been graduated from a four (4) year course of instruction in a medical school approved by the board for limited licenses, and (f) possesses all the other

qualifications and education that may be prescribed by rules and regulations of the board.

(4) Except as provided by subsection (2) (g) of section 5, no license shall be issued except upon the successful passage of an examination as prescribed by the board. All applicants for a regular license must take the same general examination, and in addition, osteopathic applicants shall take an examination in osteopathic principles and practice.

(5) No person shall be deemed to have successfully passed an examination in this state unless he makes an average grade of at least seventy-five in all subjects prescribed by the board, and a grade of at least sixty-five in each subject.

(6) All examination papers shall be preserved for one year.

(7) No license shall be issued, refused, suspended or revoked by the board, nor shall any licensee be placed on probation, except in compliance with this Act and the rules and regulations promulgated thereunder by the board and filed with the Secretary of State of this Commonwealth pursuant to KRS Chapter 13.

Section 7. (1) Whenever, in the opinion of the secretary, an applicant for a regular license to practice medicine or osteopathy is eligible therefor under subsection (1) of section 6, the secretary may issue to such applicant, on behalf of the board, a temporary permit which shall entitle the holder to practice medicine or osteopathy in this state for a period of six months from date of issuance thereof unless the temporary permit is sooner cancelled by the secretary, who may cancel it at any time, without a hearing, for reasons deemed sufficient to him, and who shall cancel it immediately upon direction by the board or upon the board's denial of the holder's application for a regular license.

(2) The secretary shall present to the board the application for a regular license made by the holder of the temporary permit. In the event the board issues a regular license to the holder of a temporary permit, the fee paid in connection with any temporary permit then in effect shall be applied upon the prescribed license fee.

(3) When the secretary cancels a temporary permit, he shall promptly notify, by registered United States mail, the county court clerk of each county in which the temporary permit is registered, and also the holder of the temporary permit, at his last known address as reflected by the files of the board, and the temporary permit shall become terminated and of no further force and effect three days after the giving of said notice to the holder.

Section 8. (1) Every certificate of regular license, limited license, and temporary permit shall be in such form as is approved by the board or by the secretary thereof; provided, however, that each certificate shall be signed by the secretary and shall contain the date of issuance, the name of the person to whom issued and whether the holder is authorized to practice medicine or osteopathy.

(2) Limited license certificates, whether originals or renewals, shall expressly state the period therefor, which shall not be in excess of one year, and shall expressly state the nature and place of work authorized thereunder.

(3) Temporary permits shall expressly state the date of issuance, that they shall be for a period of not more than six months from date of issuance, and that they are subject to cancellation as provided by section 7.

Section 9. (1) No person who is required to be licensed by the board under the provisions of this Act, shall engage or attempt to engage in the practice of medicine or osteopathy as defined by this Act unless and until he exhibits to and causes to be registered by the county court clerk of the county of this state in which he resides, if a resident of Kentucky, and of each county in which he regularly engages in practice, a license certificate issued by the board, or temporary permit certificate issued by the secretary, and an affidavit setting out his name, age, place of birth, residence, location of office or place of business, and that he is the person named in said license or permit.

(2) The county clerk of each county shall provide a book of suitable size to be known as the "Medical Register" of the county, one full page of which shall be set aside for the registration of each person required to be registered by subsection (1)

of this section, and shall register therein the license or permit of such person issued by the board or by the secretary, and shall maintain in said book the affidavits referred to in subsection (1) of this section. The county court clerk shall receive from each person presenting a license or permit for registration a fee of one dollar which shall constitute his entire compensation for duties rendered pursuant to this Act.

Section 10. (1) No person shall make any statement or submit any document, paper or thing to the board, or to its secretary, or to any county court clerk, relating in any manner to issuance, registration, suspension or revocation of any license or permit, knowing same to be false, forged or fraudulent.

(2) No person shall engage in fraud, deceit, collusion or conspiracy in connection with any examination conducted by the board.

(3) No person shall make or issue any false or counterfeit certificate that purports to have been issued by the board, or by its secretary, or forge the signature of any person thereon, or alter any such certificate that has been issued by the board or by its secretary.

Section 11. (1) Where such power has not been transferred by statute to some other board, commission or agency of this state, the board may place a licensee on probation for a period not to exceed two years, or may suspend a license for a period not to exceed two years, or may revoke any license heretofore or hereafter issued by the board, upon proof that the licensee has:

(a) Knowingly made or presented, or caused to be made or presented, any false, fraudulent or forged statement, writing, certificate, diploma or other thing, in connection with an application for a license or permit.

(b) Practiced, or aided or abetted in the practice of, fraud, forgery, deception, collusion or conspiracy in connection with an examination for a license.

(c) Committed an unlawful abortion.

(d) Been convicted of a felony involving moral turpitude,

(e) Become addicted to a drug habit.

(f) Become a chronic or persistent alcoholic.

(g) Developed such physical or mental disability, or other condition, that continued practice is dangerous to patients or to the public.

(h) Engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(i) Knowingly made, or caused to be made, or aided or abetted in the making of, a false statement in any birth, death, premarital, or other certificate or document executed in connection with the practice of his profession.

(j) Employed, as a practitioner of medicine or osteopathy, in the practice of his profession in this state, any person not duly licensed; or otherwise aided, assisted or abetted the unlawful practice of medicine or osteopathy or any other healing art.

(k) Violated the code of conduct promulgated by the board under subsection (4) of section 12 of this Act.

(l) Violated any order of suspension, or the terms or conditions of any order of probation, issued by the board.

(2) In every proceeding for probation, suspension or revocation of a license, the secretary shall furnish the licensee with written notice setting out the substance of each offense charged, with sufficient detail to reasonably apprise such person of the nature, time and place thereof. Proceedings and forms shall be in accordance with rules and regulations of the board, and hearings may be conducted by hearing officers of the board as provided in subsection (2) (b) of section 5, but no hearing shall be conducted until at least thirty days written notice thereof has been given to the holder of the license, who shall have the right to be present, in person or by counsel, and to present evidence and to be heard in opposition to the charges which may be instituted by any individual, or organization, or by the board acting upon its own initiative or by the secretary on behalf of the board. Preliminary to the institution of any such proceeding, the secretary may refer the charge or charges to the state or-

ganization which represents the profession to which the holder of the license belongs, for investigation and recommendations as to adjustment, settlement or disciplinary action, and such professional organization may assist in the prosecution or defense of any such proceedings before the board, which shall not be bound to follow its recommendations.

(3) Except as otherwise provided in this subsection, every order of the board suspending or revoking a license shall become effective thirty days after notice is given to the licensee, unless said licensee, within thirty days from the giving of such notice, appeals therefrom in the manner provided by subsection (4) of this section. Provided, however, that the board may, when in its opinion the continued practice by the licensee during the time allowed for appeal would be dangerous to the health, welfare and safety of the licensee's patients or the general public, provide in its order of suspension or revocation that said order shall become effective forthwith; in such event the board order of suspension or revocation shall become effective as of the date specified therein, and the licensee shall not, after notice of same, engage or continue to engage in any practice under the license after such revocation or during such period of suspension, unless and until the board order is reversed or modified by a final and unappealable order or judgment of a court made pursuant to the provisions of subsection (4) of this section.

(4) Any licensee who is aggrieved by an order of the board placing the licensee on probation, or suspending or revoking his license may procure a declaration of rights under the Declaratory Judgment Act by filing, within thirty days after notice of said board order, a petition in equity against the board in the circuit court of Jefferson County, Kentucky, together with a bond with good and sufficient sureties thereon to cover all costs, which petition shall request judicial review of the board order and proceedings held by the board, or its hearing officer, and set out with particularity the alleged grounds relied upon for reversal or modification of the board order. Summons and a copy of the petition may be served upon the secretary for and on behalf of the board, and the secretary shall, within thirty days days after such service and the filing of said bond, file with the court a transcript of the record of hearing together with a cer-

tified copy of the board order complained of. The board may file an answer, or such other pleadings as it considers appropriate, and the court shall, after considering the transcript of record and the board order and any arguments of counsel, enter judgment. No new or additional evidence shall be introduced in the circuit court. In the event the action of the board is not sustained the court shall, upon request of the board, remand the case to the board for further proceedings. Any party aggrieved by the final judgment, order or decree rendered in the case by the Jefferson Circuit Court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided in the Declaratory Judgment Act and the Court of Appeals shall docket and advance the appeal as provided in said Declaratory Judgment Act.

(5) Whenever an order of the board suspending or revoking a license becomes effective, as provided in subsection (3) of this section, the secretary shall, on behalf of the board, give written notice thereof to the county court clerk of each county in which the license is registered and such clerk shall thereupon mark, on the page of the Medical Register where the license is registered, that it has been suspended, for the period indicated, or revoked, in accordance with the notice. In the event the license is subsequently reinstated by the board, or in the event the board's order of suspension or revocation is subsequently reversed or modified by a final and unappealable judgment of court made pursuant to the provisions of subsection (4) of this section, the secretary shall, on behalf of the board, so notify such county court clerk who shall thereupon mark the Medical Register accordingly.

(6) Any notice that is required to be given to a licensee by the board, or by its secretary or hearing officer, which is given by forwarding same by registered United States mail, postage prepaid, to the licensee at his last known address as it appears in the files of the board or the Department of Health shall be sufficient.

(7) All members of the board, and its secretary and hearing officer, have authority to administer oaths, and to issue, in the name of the board, complaints, notices, summonses, sub-

poenas, and other process, in connection with any charge, proceeding or hearing relating to probation, suspension or revocation.

(8) The board may compel the attendance of witnesses at hearings in connection with probation, suspension or revocation proceedings, and circuit and county courts are, upon petition of the board or its hearing officer, authorized and empowered to punish as contempt all failures to obey subpoenas and other process provided in subsection (7) of this section and all contemptuous or contumacious conduct directed to the board or its hearing officer in the course of hearings relating to probation, suspension or revocation.

Section 12. (1) Within one hundred and twenty days after this Act becomes effective, the board shall adopt, and file with the Secretary of State of this Commonwealth pursuant to KRS Chapter 13, rules and regulations that effectuate and implement, but are not inconsistent with, the provisions of this Act. The rules and regulations shall cover, among other things, the qualifications, standards, fees, examinations, schools, forms, and procedures prescribed by the board in connection with examination and licensure in this state, and the forms and procedures prescribed by the board in connection with probation, suspension and revocation, and also a code of conduct prescribed by the board.

(2) Thereafter, the board shall file with the Secretary of State of this Commonwealth, pursuant to KRS Chapter 13, any and all amendments, changes and modifications to its rules and regulations, and any and all other rules and regulations, within thirty days after such amendments, changes or modifications are adopted by the board.

(3) At least once every two years the board shall compile the Kentucky medical practice laws, and all rules and regulations promulgated by the board thereunder, and cause copies thereof to be furnished to licensing agencies of all other states and to all medical schools in the United States or Canada approved by the American Medical Association, and to all osteopathic schools in the United States and Canada approved by the American Osteopathic Association, and to all persons who

are licensed to practice medicine or osteopathy in Kentucky. Copies of the compilation shall be available to the general public upon request.

(4) The board shall, prior to promulgating a code of conduct, or any amendment, change or modification thereto, notify all licensees in writing of the proposed action and hold a hearing or hearings thereon at the offices of the board in Louisville, Jefferson County, Kentucky. Upon the filing with the Secretary of State of this Commonwealth, of any code of conduct, or amendment, change or modification thereto, the board shall notify in writing all licensees as to the date of adoption and filing of same. Any licensee who is aggrieved thereby may, within thirty days from the filing of same with the Secretary of State as provided herein, procure a declaration of rights by filing, under the Declaratory Judgment Act, a petition in equity against the board in the circuit court of Jefferson County, Kentucky, and, upon his failure to do so, he shall thereafter be forever barred from instituting or maintaining an action attacking or questioning the validity of the code. Any party to such case who is aggrieved by the final judgment, order or decree of the Jefferson Circuit Court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided by the Declaratory Judgment Act and the Court of Appeals shall docket and advance the appeal as provided in said Declaratory Judgment Act. No person shall be heard to complain concerning any provision of the code of conduct that was in force and effect at the time he was licensed in this state. Any notice required by this subsection to be given by the board may be effected by publication of same in a newspaper of general circulation in this state or by publication in any official periodical issued and circulated in this state by the Kentucky State Medical Association and the Kentucky Osteopathic Medical Association.

Section 13. (1) County and Commonwealth's attorneys and the Attorney General, within their respective jurisdictions, shall prosecute all violations of the penal provisions of this Act and shall, when requested by the board, represent the board and local health units in matters relating to the enforcement of this Act,

(2) The board may employ attorneys, inspectors, investigators, and other personnel and may pay reasonable compensation therefor. The board may utilize the services of all attorneys, inspectors, investigators and other employees and facilities of the Department of Health.

(3) The judge of each circuit court shall specially charge each grand jury empaneled in his court with reference to the penal provisions of this Act.

(4) Every county board of health shall, at such times as are fixed by the board, report to the board the name and address of each person believed to be engaged in the practice of medicine or osteopathy, as defined by this act, within their respective jurisdictions. The county boards of health shall also report to the board and to the county and Commonwealth's attorneys of their respective counties all violations of this Act and shall assist in the enforcement thereof.

(5) For the purpose of enforcing the provisions of this Act, the investigators, inspectors, representatives and agents of the board and the Department of Health shall have the full power and authority of peace officers in this state, and shall have the power and authority to administer oaths, to enter upon premises at all times for the purpose of making inspections, to seize evidence, to interrogate all persons, and to require the production of books, papers, documents or other evidence.

(6) The board may institute, in its own name, proceedings to temporarily or permanently restrain and enjoin violations of this Act, regardless of whether the defendant has been convicted for violation of the penal provisions thereof, and shall not be required to pay any costs or filing fees or furnish any bond in connection therewith. Violation of injunctions and restraining orders shall be punished as a contempt without the intervention of a jury.

Section 14. All fees collected by the Board under the provisions of this Act, or the rules and regulations adopted pursuant thereto, shall be paid into the State Treasury and credited to a trust and agency fund to be used by the board in defraying the costs and expenses of the board in the administration of this Act, including, but not limited to, salaries and necessary travel ex-

penses. No part of this fund shall revert to the general funds of this Commonwealth.

Section 15. (1) All licenses heretofore issued by the board for the practice of medicine or osteopathy, or any limited school or system, are hereby declared to be valid and in full force and effect unless they have become expired, cancelled, suspended or revoked in accordance with law.

(2) Nothing in this Act shall be construed as hereafter conferring upon the board any authority to issue, suspend or revoke any license for the practice of dentistry, optometry, chiropractic, nursing or pharmacy.

Section 16. This Act may be cited as the "Kentucky Medical and Osteopathic Practice Act of 1952."

Section 17. (1) Each first violation of section 3 or section 4 shall be punishable by a fine of not less than two hundred and fifty nor more than five thousand dollars or by imprisonment for not less than one month nor more than twelve months, or both. Each subsequent violation of either of sections 3 or 4 shall constitute a felony and be punishable by a fine of not less than one thousand nor more than ten thousand dollars or by imprisonment in a penitentiary for not less than one nor more than three years, or both.

(2) Each violation of subsection (1) of section 9 shall constitute a misdemeanor and be punishable by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment of not more than thirty days, or both, and each day shall constitute a separate offense.

(3) Each violation of section 10 shall constitute a felony and shall be punishable by a fine of not less than one thousand nor more than ten thousand dollars or by imprisonment in a penitentiary for not less than one nor more than three years. Conviction, under this subsection, of a holder of a license or permit, shall result automatically in permanent revocation of such license or permit.

(4) Conviction of willfully resisting, preventing, impeding, obstructing, threatening or interfering with the board or any of

its members, or of any officer, agent, inspector or investigator of the board or the Department of Health, in the administration of any of the provisions of this Act, shall be punishable by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or both.

Section 18. Sections 311.010 to 311.130, inclusive, and Sections 311.250 to 311.290, inclusive, and subsections (1) to (5), inclusive, of Section 311.990 of the Kentucky Revised Statutes are repealed.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 138. AN ACT concerning apiaries.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 252.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person owning or possessing bees shall, on or before the first day of July of each year, file with the commissioner an application for registration, which shall set forth the exact location of his apiary or apiaries, the number of colonies of bees in each apiary owned by him or in his possession or under his control, together with such other information as may be required by the commissioner and such person shall pay to the commissioner by draft or money order, made payable to the State Department of Agriculture, at the time of registration, the sum required to register his apiary and branch apiaries. The fee for from one to three hives shall be (50) fifty cents and for each additional hive over three, (10) ten cents.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 139. AN ACT concerning stockyards.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this chapter, unless the context requires otherwise:

(a) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(b) "Department" means the Department of Agriculture, Labor and Statistics;

(c) "Stockyard" means a livestock yard, market place, consentration point, packing plant or any other place where livestock is bought and sold but does not apply to private sales of livestock being transmitted beyond the market zone;

(d) "Market Zone" means the area surrounding a public market, defined by the Commissioner for the purposes of this Chapter.

(e) "Owners and Operators" means the persons responsible for the operation of a stockyard.

(f) "Livestock" means cattle, calves, swine, sheep and goats.

Section 2. The department shall administer and enforce the provisions of this chapter and shall enforce, with respect to stockyards all laws for the control and eradication of communicable disease in livestock. The department may adopt such regulations as may be necessary to carry out the provisions of this chapter.

Section 3. The commissioner shall employ such inspectors and other employes as are necessary for the enforcement of this chapter. Their duties and compensation shall be prescribed by the commissioner.

Section 4. The commissioner shall establish and define in the area surrounding every public market a market zone within the boundaries of which it shall be unlawful for any person to buy, sell or exchange any livestock unless such person shall comply with the provisions of this chapter. The provisions of this

section shall not apply to livestock that has been duly received and penned.

Section 5. (1) The owner or operator of a stockyard shall file with the department an application for a license to operate such business under the provisions of this chapter. In instances where two or more stockyards are owned or operated by the same person, a separate application for a license shall be filed for each stockyard. The application shall state the nature of the business to be conducted at the stockyard, the city, county and complete postoffice address at which the business is to be conducted, together with such additional information as the commissioner may require. Applications shall be made on forms to be provided by the commissioner.

(2) In the case of applications for licenses to operate stockyards not in existence upon the effective date of this chapter, any such application shall be accompanied by a detailed copy of the plans and specifications of such stockyard and premises and the applicant must show the existence of a necessity for the establishment of a stockyard at the proposed location.

Section 6. Before issuing a license the department shall investigate the necessity for a stockyard at the applicant's location and shall inspect the stockyard. The department may refuse to issue a license if it is found that there is no necessity for a stockyard at applicant's location or that applicant has failed to comply with the provisions of this chapter or with the provisions of Chapter 257 of the Kentucky Revised Statutes.

Section 7. (1) The owner or operator of each stockyard shall pay an annual license fee of $50.00 plus $20.00 for each scale operated in excess of one.

(2) All license fees collected under this chapter shall be paid into the State Treasury for the use of the department to defray the expense of enforcement of this chapter.

Section 8. The department may revoke any stockyard license for violation of any provision of this chapter or any provision of Chapter 257 of the Kentucky Revised Statutes or at any time when the necessity for the existence of the stockyard at the licensed location no longer exists.

Section 9. The owner or operator of each stockyard shall file, at the beginning of each month, a sworn statement with the department showing the exact number of livestock received at the stockyard for sale during the preceding month. Such statements shall be made on forms furnished by the department.

Section 10. The owner or operator of each stockyard shall withhold from any money payable to the owner of livestock sold at such stockyard a fee of one cent per head on all swine, sheep and goats and three cents per head on all cattle and calves and shall remit such fees collected to the State Treasury for deposit in a revolving fund to be used by the department to defray the expense of administration of this Act.

Section 11. The owners or operators of stockyards which do not operate under the provisions of the Federal Packers and Stockyards Act of 1921 shall furnish a bond payable to the department for the benefit of any farmer to whom such owner or operator is unable to pay for livestock received. Said bond shall be in an amount equal to the sum of two average days' receipts but shall be for not less than $2,000 nor more than $50,000 plus ten percent of the excess.

Section 12. All scales used in stockyards shall be of a type registering beam scale with balance indicators. Such scales shall be tested every six months by a scale agency approved by the department and certification of such scales shall be exhibited before issuance or renewal of a stockyard license.

Section 13. The owner or operator of a stockyard shall furnish a bond to the department in the sum of $1,000 with surety to be approved by the department conditioned on the faithful performance by its weighmen of their duties. If any weighman willfully misrepresents or attempts to misrepresent the weight of any animal, the bond shall be forfeited and the proceeds paid into the State Treasury and be credited to the General Fund.

Section 14. (1) Any person who violates the provisions of

section 4 of this chapter shall be guilty of a misdemeanor punishable by a fine of not less than fifty dollars nor more than two hundred dollars for the first offense and not less than four hundred dollars nor more than one thousand dollars for each subsequent offense.

(2) Any person who violates the provisions of section 13 or who attempts by any means to induce a weighman to falsely report the weight of any animal, shall be guilty of a misdemeanor and shall be punished by a fine or not less than ten thousand dollars or imprisonment for not more than five years, or both.

(3) Any person who violates any provisions of section 9 shall be fined not less than twenty-five dollars nor more than one hundred dollars. Each failure to file the monthly report required by Section 9 shall constitute a separate offense.

(4) Any person who violates any provisions of this chapter for which no other penalty is provided, or who violates any regulation of the department, or who refuses to pay the fees herein provided, shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than three months or both.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 140. AN ACT relating to Traffic Regulations and Equipment of Vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 189.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, while operating a vehicle on a high-

way, runs against or over, any other person vehicle or personal property, in possession of any other person in such a manner as to injure the other person or damage the property, shall immediately stop and ascertain the extent of the injury or damage and render such assistance as may be needed, including the carrying of the person or occupants of the vehicle to the nearest medical aid, if carrying is requested by the person struck, or by any occupant. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give the occupant of the vehicle, or person struck, if requested, the registration number of the vehicle, if any, and also the names and addresses of the owner, the occupants and operator. The total names need not exceed five in number.

(2) The operator or owner of a vehicle involved in an accident shall forward a written report of the accident to the Department of State Police as provided in Kentucky Revised Statutes Section 187.320. The Department of State Police may also require witnesses of accidents to render reports.

Said bill was ordered printed and referred.

By Mr. Lowman and Wickliffe.

H. B. No. 141. AN ACT relating to adoptions and the welfare of children and amending Sections 199.370, 199.510, 199.520, 199.570, 199.600, 199.640, 200.110 of Kentucky Revised Statutes and repealing Section 199.530 of Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1

Section 199.370 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.370 **Relatives excepted from regulations regarding importation.**

The provisions of KRS 199.350 shall not apply to a relative going to any other state and bringing a child into this state for the purpose of giving it a home in his own family and may be waived by the Department for any child brought into the state under the supervision of the Division of Child Welfare or a licensed child-caring or child-placing institution or agency by written agreement with the responsible state agency of the other state.

Section 2

Section 199.510 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.510 **Investigation and report.**

(1) Upon filing a petition for the adoption of a minor child the clerk of the court shall forward two copies of the petition to the Department. The Department, or any person, agency or institution designated by it or the court shall, to the extent of available facilities, investigate and report in writing to the court:

(a) Whether the contents of the petition required by KRS 199.490 are true;

(b) Whether the proposed adoptive parents are financially able and morally fit to have the care, custody and training of the child; and

(c) Whether the adoption is to the best interest of the child and the child is suitable for adoption.

(2) The report of the Department or the designated person, agency or institution shall be filed with the court as soon as practicable but not later than ninety days after the filing date of the petition unless for good cause the court by written order extends the period of time for filing the report. If the Department or the designated person, agency or institution is unable to make the report, it shall within ten (10) days of receipt of the petition notify the court of its inability to conduct the investiga-

tion, and the court may designate some other person, agency or institution to make the necessary investigation. If the court designates some other person, agency or institution, the clerk shall forward one copy of the petition to such person, agency or institution and shall notify the Department of such other designation at the time he forwards the petition to the Department.

(3) If the Department is a party defendant, its report, if it files no other pleadings, shall be considered its answer to the petition.

(4) The clerk's fee shall be taxed as a cost of the action.

Section 3 **Hearing; notice**

After the report of the guardian ad litem, if any, for the child and the report required by section 2 of this Act have been filed, the court at any time on motion of its own or that of any interested party may set a time for a hearing on the petition to be conducted in chambers in privacy, except as hereinafter provided. Notice of the hearing shall be given to all necessary parties at least ten days in advance thereof, unless such parties shall have answered and agreed to the adoption or have failed to answer and the time for answering has expired, or shall have waived notice of the hearing.

All necessary parties may be present and at least one of the adopting parents and the guardian ad litem, if any, for the child must be present at the hearing.

Section 4

Section 199.520 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.520 **Judgment; prerequisites; order; name and legal status of child.**

(1) After hearing the case the court shall enter a Judgment of Adoption, if it finds that the facts stated in the petition were established; that all legal requirements, including jurisdiction, relating to the adoption have been complied with; that the petitioners are of good moral character, of reputable standing in the community and of ability to properly maintain and educate

the child, and that the best interest of the child will be promoted by the adoption and that the child is suitable for adoption.

In the judgment the name of the child shall be changed to conform with the prayer of the petition. The judgment and all orders required to be entered and recorded in the order book, including the caption, shall contain only the names of the petitioners and the proposed adopted name of the child, without any reference whatsoever to its former name or the names of its birth parents.

(2) From and after the date of the judgment the child shall be deemed the child of petitioners and shall be considered, for purposes of inheritance and succession and for all other legal considerations, the natural, legitimate child of the parents adopting it the same as if born of their bodies.

Except where a natural parent is the spouse of an adoptive parent an adopted child from the time of adoption shall have no legal relationship to its birth parents in respect to either personal or property rights.

(3) The clerk of the court shall notify the Department of any action of the court with respect to entering a judgment granting an adoption, the amendment of an adoption, or the denial or dismissal of a petition for adoption.

Section 5

Section 199.530 of the Kentucky Revised Statutes is hereby repealed.

Section 6

Section 199.570 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.570 **Adoption records confidential; new birth certificate.**

(1) The files and records of the court during adoption proceedings shall not be open to inspection by persons other than parties to such proceedings, their attorneys, and representatives of the Department, except under order of the court expressly permitting inspection. Upon the entry of the final order in the case,

the clerk shall place all papers and records in the case in a suitable envelope which shall be sealed and shall not be open for inspection by any person except on written order of the court. No person having charge of any adoption records shall disclose the names of any parties appearing in such records or furnish any copy of any such records, except upon order of the court which entered the judgment of adoption. The clerk of the circuit court shall set up a separate docket and order book for adoption cases and these files and records shall be kept locked.

(2) After entry of the adoption judgment, the clerk of the circuit court shall promptly report to the Division of Vital Statistics of Kentucky full information as called for on forms furnished by the Division of Vital Statistics, necessary to make a new birth certificate conforming to the standard birth certificate form. Upon receipt of this information, the Division of Vital Statistics shall cause to be made a new record of the birth and it shall be filed with the original certificate, and the original certificate shall be stamped with the words, "CONFIDENTIAL—subject to copy or inspection only on written order of court."

(3) The new certificate shall set forth the new name, if any, of the adopted child, the names of the adoptive parents and such other information deemed necessary in accordance with rules and regulations promulgated by the Division of Vital Statistics in the issuing of birth certificates. The birth certificate shall not contain any information revealing the child is adopted and shall show the adoptive parent or parents as the natural parent or parents of the child. If no birth certificate is on file for a child born in Kentucky, the Division of Vital Statistics shall prepare a certificate of birth in accordance with the regular procedure for recording a delayed birth certificate. The Division of Vital Statistics shall furnish to the clerks of the circuit courts the necessary forms to carry out the provisions of this section.

(4) Thereafter when any copy of the certificate of birth of any child is issued it shall be a copy of the new certificate of birth, except when an order of the court granting the judgment of adoption shall request the issuance of the copy of the original certificate of such child's birth.

(5) If any judgment of adoption is reversed, modified or vacated in any particular, the clerk of the circuit court shall notify the Department and the Division of Vital Statistics of such reversal or modification and the effect of same, and thereupon such division shall make such changes, if any, in its records as may be necessary by such reversal or modification.

Section 7

Section 199.600 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.600 **Involuntary termination of parental rights.**

(1) In a proceeding involving a neglected or abandoned child, as defined in KRS 199.011, the circuit court may terminate all parental rights of the parents of such child, and declare the child to be a ward of the state, if it is pleaded and proved in a private hearing that the parents have abandoned or deserted the child, or have substantially and continuously or repeatedly refused, or being able have neglected, to give the child parental care and protection, or that the child is neglected and that the parents have been adjudged mentally incompetent and such judgment of incompetency has been in effect for not less than one year.

The court may vest the care, custody and control of the child in any licensed child-caring or child-placing institution that has facilities available and is willing to accept the child or notify the county court of the county of the residence of the child, of the state's wardship of the child and the county court shall dispose of such child as is provided by law. The Department may accept such child from the county court for temporary care, custody and control for a period of time to be agreed upon in writing between the Department and the county judge, but in no event shall such period of time exceed twelve months.

(2) If the circumstances described in subsection (1) of this section exist with respect to only one of the two legitimate parents, the parental rights of that parent may be terminated, in which case the child shall not be declared to be a ward of the state, unless with the voluntary consent of the other parent.

(3) In an action to terminate parental rights under this section the parents, if the child is legitimate, or the mother if the the child is born out of wedlock, must be personally summoned; or where personal service cannot be made, must be contructively summoned as provided in the Civil Code of Practice.

(4) The court may be convened at any time wherever the judge thereof may be found within his district, irrespective of the regular term, for the purpose of terminating parental rights under this section, and shall complete the same as soon as possible.

(5) Proceedings under this section may be instituted upon petition by the Department, any probation officer, any state or local law enforcement officer, any county or commonwealth's attorney or a natural parent.

Section 8

Section 199.640 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.640 **Licensing of child-caring and child-placing institutions or agencies; regulations.**

(1) No individual, association, corporation or other organization shall conduct, operate or maintain any child-caring or child-placing institution or agency without having a license to do so issued by the Department. Provided, that any established child-caring or child-placing institution or agency that has been operated, conducted or maintained for more than five years by any National or State recognized religious or fraternal organization may be granted a license, both for custodial care and placement of children, notwithstanding any provision of this Act.

(2) Application for license shall be filed with the Department and licenses issued the agency or institution shall specify the type of service the licensee is authorized to perform and shall be valid until revoked by the Department. Each licensed agency or institution shall be visited and inspected by a person authorized by the Department at least once each year and a complete report of such visit or inspection be filed with the Department. Each child-caring and child-placing institution or agency shall make

provisions for and comply with reasonable standards established by the Department for fire protection and safety, plumbing and sanitation, lighting, heating and ventilation, living arrangements, diet and health facilities, and such other factors as may be necessary to promote the welfare and health of children cared for or placed by such agencies or institutions.

Any person, or the officers of any association, corporation or other organization conducting, operating or maintaining a child-caring or a child-placing institution shall be of good moral character and of reputable standing in the community.

(3) Each agency or institution licensed under this Act shall keep a record containing:

(a) The names, ages, present and former residences of all children received;

(b) The names, residence and occupation so far as is known, of the parents;

(c) The dates of the reception, placing out for adoption or foster care, together with the names, occupation and residence of the persons with whom the child is placed;

(d) The date and cause of termination of its custody of each child; and

(e) A brief history of each child until he shall have reached the age of eighteen (18) years or shall have been adopted or discharged according to the law.

(4) All records regarding children or facts learned about children and their parents and relatives by any licensed agency or institution shall be deemed confidential in the same manner and subject to the same provisions as similar records of the Department. The information thus obtained shall not be published or be open for public inspection except to authorized employees of the Department or of such licensed agency or institution in the performance of their duties. Such institutions shall file with the Department such reports as may be required by the Department for the proper administration of the Act.

(5) If the Department is unable to make an inspection

within fifteen (15) days after application is filed, the Commissioner may, on request of the applicant, issue a provisional license which shall be valid until an inspection is made and a permanent license is issued. If a permanent license is denied, the provisional license shall be valid while any appeal is pending, or until the time for appeal for a hearing before the Commissioner has expired.

Section 9

Section 200.110 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

200.110 **Commitment; treatment; payment of cost.**

(1) Any person having charge of a dependent, neglected, delinquent or defective child, or any person interested in such child, may call to the attention of the county judge of the county in which the child resides, its neglect, delinquency or physical or mental infirmity, and the county judge may commit such child to the care and custody of the Department for temporary care, treatment or control for a period of time to be agreed upon in writing between the Department and the county judge, but in no event shall the period of time exceed twelve months. But the judge shall not commit a child without the consent of the person having it in charge.

(2) No child shall be committed to the custody of the Department for treatment or care where the person having it in charge, if related to the child, is able to pay for the care or treatment of the child. Where the person having charge of the child can only pay a portion of the cost of the treatment or care, the child may be committed by the county judge, and the person having charge of the child shall pay such sums as he is able to pay, and the funds thus received shall be turned over to the Department and shall be applied to the treatment and care of the child.

(3) The Department may pay for board, suitable clothing and other necessities for any child committed to its care and custody, but only if no similar services are rendered by any other existing agency.

Section 10 **Care and consent obtained before June 15, 1950.**

If the care, custody or control of any child was transferred with consent to adoption from the parent before June 15, 1950 and such transfer and consent under laws in effect at that time made it unnecessary to name the parents party defendants then in any adoption proceeding instituted since June 15, 1950 it shall not be necessary to name said parents party defendants. Any adoption obtained in reliance upon such transfer and consent shall be valid.

Section 11

In any adoption proceeding in which the child has been previously adopted by other persons, the previous adoptive parent or parents shall be considered the natural parent or parents of such child for the purpose of such proceedings and wherever the term "natural parent" is used in KRS 199.470 to 199.630 and this Act it shall be deemed to mean the previous adoptive parents.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 142. AN ACT relating to Descent and Distribution and amending Section 391.080 of Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 391.080 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

391.080 **Adopted child; inheritance by and from.**

(1) An adopted child shall inherit from and through his adoptive parent in the same manner as if he were the natural, legitimate child of the adoptive parent.

(2) The property of an adopted child shall descend and be distributed under the general laws of descent and distribution in the same manner as if he were the natural, legitimate child of the adoptive parent.

(3) An adopted child shall not inherit from his natural parents unless the natural birth parent is the spouse of the adoptive parent.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 143. AN ACT relating to the Department of Agriculture, Labor and Statistics.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Deparment of Agriculture, Labor and Statistics is authorized to purchase such equipment, including a large scale test unit and a large meter test unit, as is necessary to adequately and properly administer the provisions of KRS 363.170 to 363.990.

Section 2. For the purposes of this Act there is hereby appropriated out of the General Expenditure Fund in the State Treasury to the Department of Agriculture, Labor and Statistics, for the fiscal year of 1952-53, the sum of $15,200.00.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 144. AN ACT relating to public health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 211.060 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Health shall hold meetings at least semiannually, and more frequently and at such places and times as the board may determine. A majority of the members shall constitute a quorum. The board shall elect a president from among its members, and may adopt rules and by-laws for its government. Any and all members of the board may administer oaths in matters pertaining to official duties of the board.

Section 2. Section 211.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The president of the State Board of Health shall receive an annual salary to be fixed by the board.

(2) Each member of the State Board of Health, other than the president, shall receive twenty dollars per day for each day in attendance at meetings of the board.

(3) Each member of the board, including the president, shall be entitled to reimbursement for all expenses for travel, lodging and subsistence incurred in connection with attendance at meetings of the board.

(4) The board may designate any of its members, representatives or agents to perform special duties that may be prescribed by the board from time to time, and may allow reasonable compensation therefor and make reimbursement for expense for necessary travel, lodging and subsistence incurred in connection therewith.

Section 3. Section 212.120 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Upon the creation of a county or district health department, the fiscal court of the county or counties shall at once notify the State Board of Health of the action of the county or counties to create, establish and maintain a county or district health department. When the duly qualified officials of a county or district certify to the State Board of Health a true copy of the order or vote establishing a health department and providing for its maintenance, and state the amount of the annual appropriation provided by the county or district, the State Board of Health shall make an investigation as to the necessity of the development of the department, and the adequacy of the appropriation provided by the county or district therefor, and shall report it findings to the Governor.

(2) If the State Board of Health finds that such county or district health department has been established in accordance with the provisions of this chapter and is being maintained, conducted and operated in accordance with the standards prescribed

by the State Board of Health, the State Board of Health shall, on or before July 1 in each year, allot to each such county or district health department such amount that the State Board of Health deems to constitute a just and equitable share of all funds available therefor by appropriation by the General Assembly of this Commonwealth, by grants and gifts received by this Commonwealth from the government of the United States of America or any of its agencies or instrumentalities, and from other sources. Provided, however, that no allotment to any such county or district health department shall be less than two thousand five hundred dollars.

(3) In determining the allotments referred to in subsection (2) of this section, the State Board of Health shall endeavor to provide for a distribution of the funds in a manner that is reasonably calculated to equalize, so far as practicable, local health services to the people of all counties served by county and district health departments. The State Board of Health may take into consideration variations existing between counties and districts by reasons of differences in population, resources, industrialization, tax assessments and tax rates, and other local factors and conditions; the legislative intent being hereby declared to be that counties shall provide, from local sources of revenue that are available or that may be made available to them, financial support of county and district health departments to the extent of their respective abilities within the limitations of KRS 212.150.

(4) The State Board of Health may, in its discretion, alter or modify allotments from time to time and shall cancel any allotment whenever it finds that there is no further need or necessity for a particular county or district health department for whose benefit the allotment was made, or whenever a particular county or district health department for whose benefit an allotment was made is not maintained, operated and conducted in accordance with the standards prescribed by the State Board of Health. Nothing in this section shall be construed as requiring the State Board of Health to allot all funds available for local health purposes, or as prohibiting the board from alloting such portion thereof, as the board may determine, to a reserve account which may be sub-allotted by the board in such manner that it considers proper in the event of emergencies, disaster, or un-

forseen events, without regard to the provisions of subsection (3) of this section.

(5) Notwithstanding the provisions of KRS 45.230 and any other provisions of the Kentucky Revised Statutes, any unexpended or unencumbered balance of any appropriations made available for allotment and expenditure, as provided above, for the first fiscal year of each biennium, remaining at the end of such fiscal year, shall be carried forward and be available for expenditure at any time during the ensuing fiscal year within the biennium and no portion thereof shall lapse to the General Fund.

Section 4. Section 212.150 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 212.470 and 212.650, the total amount appropriated annually by any fiscal court for a county or district health department, shall not exceed one mill for each one dollar of assessed valuation of property for taxation in the county.

Section 5. Subsection (3) of Section 212.170 of the Kentucky Revised Statutes is amended to read as follows:

(3) (a) The county board of health of each county having a county department of health shall, at the meeting of the board called for the purpose of organizing the county department of health, and every four years thereafter, elect a health officer for a term of four years, or a county health administrator as hereinafter provided in this subsection. A majority of the members of the board shall constitute a quorum for this purpose. The health officer may at any time be removed for cause made known to him in writing after a hearing by the county board of health, at which he may be represented by counsel; in case of his dismissal he may appeal to the State Board of Health, which may confirm or reject the action of the county board of health, in which case its action is final unless set aside by action in a court of competent jurisdiction.

(b) If there are no qualified applicants for the position of health officer, the county board of health may, with the approval of the State Board of Health, appoint a health administra-

tor, having the qualifications provided in KRS 212.180, who shall hold office at the pleasure of the county board of health, and who shall act as administrator of such health department and perform such other duties as may be prescribed by the county board of health.

Section 6. Section 212.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every health officer provided for by this chapter shall be a physician duly licensed by the State Board of Health, and shall possess such other qualifications that are prescribed by the State Board of Health.

(2) Every health administrator referred to in subsection (3) of KRS 212.170 shall possess such education, training, experience and other qualifications that are prescribed by the State Board of Health, and need not be a physician.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7); KRS 341.090 (3); KRS 341.145; KRS 341.200; KRS 341.230; KRS 341.260; KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370 (4) and (5); KRS 341.380; KRS 341.390; KRS 341.420 (3); KRS 341.540; and KRS 341.990 (5).

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That subsection (5) of Section 341.030 of the Kentucky Revised Statutes is amended to read as follows:

(5) "Wages" does not include the amount of any payment made by an employing unit without deduction from the remuneration of the worker of the tax imposed under Section 1400 of the Federal Internal Revenue Code.

Section 2. That subsection (6) of Section 341.030 of the Kentucky Revised Statutes is amended to read as follows:

(6) "Wages" does not include any dismissal payments which an employing unit is not legally required to make unless such payments are subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund.

Section 3. That subsection (7) of Section 341.030 of the Kentucky Revised Statutes is amended to read as follows:

(7) "Wages" does not, for the purposes of KRS 341.260 to 341.290, include that part of remuneration which, after wages equal to three thousand dollars have been paid to a worker by a subject employer with respect to covered employment during any calendar year, is paid to such worker by such subject employer with respect to covered employment during such calendar year, unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. For the purpose of this subsection wages paid to a worker by a predecessor subject employer shall be considered as having been paid by its successor.

Section 4. That subsection (3) of Section 341.090 of the Kentucky Revised Statutes is amended to read as follows:

(3) "Base-period wages" means the wages paid to a worker during his base period by subject employers for covered employment. The Commissioner may, with respect to this subsection, consider wages payable to mean wages paid in order to prevent inequities in particular cases.

Section 5. That Section 341.145 of the Kentucky Revised Statutes is amended to read as follows:

341.145 RECIPROCAL ARRANGEMENTS. (1) The Commissioner may enter into administrative arrangements with the agencies of other states or the Federal Government similarly charged with the administration of unemployment compensation laws, for the purpose of assisting the Commissioner and such agencies in the payment of benefits under the several laws.

Such arrangements may provide that the respective agencies shall, for and on behalf of each other, act as agents in effecting registrations for work, notices of unemployment, and any other certifications or statements relating to a worker's claim for benefits; in making investigation, taking depositions, holding hearings, or otherwise securing information relating to benefit eligibility and payments; and in such other matters as the Commissioner considers suitable in effectuating the purpose of these administrative arrangements.

(2) The Commissioner may enter into arrangements with the appropriate agencies of other states or the Federal Government whereby workers performing services in this and other states for a single employing unit under circumstances not specifically provided in KRS 341.050, or under similar provisions in the unemployment compensation laws of such other states, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states.

(3) (a) Any provisions of this chapter to the contrary notwithstanding, the Commissioner is hereby authorized to enter into reciprocal arrangements with duly authorized agencies of other states or of the Federal Government, or both, whereby workers with potential rights to benefits in this and another state or other states or the Federal Government may have such rights determined upon the basis of his combined potential rights in such jurisdictions. Benefits, based upon such combined potential rights, may be paid either under provisions of this chapter or under the provisions of the law of another state or the Federal Government, or under such combination of provisions of both laws as may be agreed upon as being fair and reasonable to all affected interests. No such an arrangement shall be entered into unless each agency entering into such arrangement shall agree to reimburse the fund of the other agency to the extent of the liability incurred under terms of the arrangement. Reimbursements to another state or the Federal Government, paid from the fund pursuant to this subsection, shall be deemed to be benefits for the purposes of this chapter and charged to employers' reserve accounts in accordance with the provisions of subsections (2) and (3) of KRS 341.530 to the extent of calcula-

tions made on wages paid during the base period established by KRS 341.090 and wages paid after such base period; provided, however, benefits based on a period previous to the base-wage period established by KRS 341.090 shall be charged to the pooled account.

(b) In order that such reciprocal arrangements, when entered into, may be effectuated, wages for insured work under an employment security law of another state or of the Federal Government shall be deemed to be wages earned in covered employment from a subject employer for the purpose of determining his benefits under this chapter.

Section 6. That Section 341.200 of the Kentucky Revised Statutes is amended to read as follows:

341.200 POWER TO HEAR WITNESSES, ISSUE SUBPOENAS AND TO SERVE PROCESS. (1) In the discharge of the duties imposed by this chapter members of the Commission, the Commissioner or any duly authorized representative thereof, may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records considered necessary and relevant as evidence in connection with the administration of this chapter. Such subpoena shall be served in the same manner as a subpoena issued out of a circuit court and the sheriff shall receive the same fee as provided by law for like service in civil actions. Witnesses subpoenaed shall be allowed witnesses' fees according to the rates prescribed by KRS 421.010 for each day their attendance is actually required at a hearing.

(2) The Commissioner or any authorized representative of the Commissioner shall have the power, in any and all counties of this Commonwealth, now granted by law to sheriffs within their respective jurisdictions, to execute and make due return of all notices, summonses, including summonses duces tecum, subpoenas, and executions in respect to all court actions instituted to enforce the provisions of this chapter. Neither the Commis-

sioner nor his authorized representative shall be deemed to be an interested party in the action by reason of his official or representative capacity.

Section 7. That Section 341.230 of the Kentucky Revised Statutes is amended to read as follows:

341.230 DESTRUCTION OF RECORDS. The Commissioner may authorize the destruction of such original reports and records as have been properly recorded and summarized in the permanent records of the Bureau of Employment Security or are no longer considered necessary for the proper administration of this chapter. Wage records of the individual worker or transcripts thereof may be destroyed or disposed of two years after the expiration of the period covered by them or upon proof of death of the worker. Such destruction or disposition shall be made only by order of the Commissioner. Any money received from the disposition of such records shall be deposited to the credit of the Unemployment Compensation Administration Fund.

Section 8. That Section 341.260 of the Kentucky Revised Statutes is amended to read as follows:

341.260 PAYMENT OF CONTRIBUTIONS BY EMPLOYER. (1) Contributions shall accrue and become payable by each subject employer for each calendar year in which he is subject to this chapter. Such contributions shall be based upon wages paid during such calendar year for covered employment. Such contributions shall become due and be paid at the offices of the Division in Frankfort by each subject employer to the Division for the fund in accordance with such regulations as the Commission prescribes, and shall not be deducted in whole or in part from the wages of workers in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded, unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(2) If any employer fails to file reports when due, or files an incorrect or insufficient report, the Commissioner may, after an investigation, determine such employer's liability and assess the contributions due on the basis of an estimate of such employer's payroll, and shall give written notice of such assess-

ment to such employer. Such determination or assessment shall become final twenty days after such notice was mailed to the employer's last known address unless an appeal is initiated under KRS 341.430. After such determination or assessment shall have become final as herein provided, it shall be received in evidence in all courts of this Commonwealth as conclusive of the amount owing the Commonwealth in respect to the claim or claims concerning which the determination shall have been made.

Section 9. That Section 341.270 of the Kentucky Revised Statutes is amended to read as follows:

341.270 DETERMINATION OF EMPLOYER'S CONTRIBUTION RATE. (1) Each subject employer's contribution rate shall be two and seven-tenths percent except as otherwise provided in this section.

(2) For each calendar year the rate applicable to each subject employer shall be two and seven-tenths percent unless contributions were payable to his account with respect to the three consecutive years immediately preceding the computation date, and no subject employer's rate shall be less than two and seven-tenths percent unless funds were available throughout the preceding year, from which benefits could have been paid from his account, to any worker in his employ who became unemployed and eligible.

(3) For each calendar year each subject employer's rate shall, except as provided in KRS 341.560, be determined upon the basis of his actual experience in the payment of contributions paid and credited to his reserve account and with respect to benefits charged against that account. If, as of the computation date, the balance of that account equals or exceeds five times the largest amount of benefits charged against it within any one of the three years last preceding the computation date, his contribution rate shall be:

(a) One and eight-tenths percent if such balance equals or exceeds three and thirty-three one-hundredths percent but is less than four and eighteen one-hundredths percent of that part of the payroll or payrolls by which contributions to that ac-

count were measured for the thirty-six months last preceding the computation date;

(b) Nine-tenths of one percent if such balance equals or exceeds four and eighteen one-hundredths percent but is less than five percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date;

(c) Zero if such balance equals or exceeds five percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding computation date;

(d) Three and seven-tenths percent, if the employer's reserve account was credited with any sums under the provisions of subsection (2) of KRS 341.550 and as further provided in subsection (5) of this section as of the computation date.

(4) The Commission may by regulation prescribe the computation date for determining rates applicable to any calendar year. "Computation date" means the date, occurring at least once in each calendar year and within twenty-seven weeks prior to the effective date of new rates of contributions, as of which those rates are computed.

(5) "Balance" as used in this section and KRS 341.530 to 341.560 means the total of all contributions paid and credited to a reserve account plus the total of all benefits charged in accordance with subsection (2) of KRS 341.550, against the pooled account because of the exhaustion, as of a computation date, of such reserve account less the total of all benefits charged against that reserve account.

Section 10. That Section 341.300 of the Kentucky Revised Statutes is amended to read as follows:

341.300 PENALTY ON UNPAID CONTRIBUTIONS; COLLECTION. (1) Contributions unpaid on the date on which they are due and payable, as prescribed by the Commission, shall be subject to a penalty at the rate of one percent

per month or fraction thereof from and after such date until payment is received by the Division, irrespective of whether such delinquency has been reduced to a judgment or not as provided in subsection (2) of this section. These penalties shall be paid into the Unemployment Compensation Contingent Fund.

(2) If, after due notice, any subject employer defaults in any payment of contributions or penalties thereon, the amount due shall be collected by a civil action instituted in the Franklin Circuit Court in the name of the state, and the subject employer adjudged in default shall pay the costs of the action. Civil actions brought under this section shall be heard by the court, without the intervention of a jury, at the earliest possible date, and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the Workmen's Compensation Law.

(3) At or after the commencement of an action under subsection (2) of this section attachment may be had against the property of the liable subject employer for such contributions and penalties without the execution of a bond, or after judgment has been entered an execution may be issued against the property of such employer without the execution of a bond.

(4) An action for the recovery of contributions or penalties under this section shall be barred and any lien therefor shall be canceled and extinguished unless collected or suit for collection has been filed within five years from the due date of such contributions, except in the case of the filing of a false or fraudulent report the contributions due shall not be barred and may at any time be collected by the methods set out in this chapter, including action in a court of competent jurisdiction.

Section 11. That Section 341.310 of the Kentucky Revised Statutes is amended to read as follows:

341.310 LIEN ON EMPLOYER'S PROPERTY FOR CONTRIBUTIONS. (1) A lien on a parity with state, county, and municipal ad valorem tax liens, and superior to the lien of any mortgage or other encumbrance heretofore or hereafter created is hereby created in favor of the Division upon all property of

any subject employer from whom contributions, interest or penalties are or may hereafter become due. This lien shall be for a sum equal to the amount at any time due from each subject employer to the Division on account of contributions, interest and penalties thereon. The lien shall commence from such time as the contributions, interest or penalties become due.

(2) The Commissioner may file notice of this lien with the county court clerk of any county where the subject employer has property, giving the name of the subject employer, his address, and the amount of the lien. The clerk shall file same in the same manner as his lis pendens are filed. The files shall be designated "Miscellaneous State Tax Liens." The notice, when so filed, shall be conclusive notice to all persons of the lien on the property having legal situs in that county, except that nothing in this chapter shall be construed to alter or change in any way the law relative to the rights and duties of a holder in due course as provided in KRS Chapter 356, or affect the rights of any person taking the property or a lien thereon for value without actual or constructive notice. The clerk shall be entitled to a fee of $1.25 for filing the lien, and said fee shall become a part of the lien as an added cost of the delinquent subject employer to be paid by him as a part of the amount necessary to release the lien, and in no event shall the Commonwealth, the Department or the Division be required to pay same.

(3) In addition and as an alternative to any other remedy, the Commissioner may enforce the lien by petition in the name of this state to the circuit court of Franklin County, if the ministerial acts necessary to enforce the lien by the sale of the liened property or any part of it are performed by the appropriate officers of the circuit court of the county in which the property is situated under the direction of and reporting to the Franklin Circuit Court. The manner of enforcement shall be the same as that provided for the enforcement of other tax liens.

(4) (a) The Commissioner shall have the power to issue a certificate of partial release of any part of the property subject to the lien if he finds that the fair market value of that part of such property remaining subject to the lien is at least equal to the amount of all other liens upon such property plus double the

amount of the liability for contributions, interest and penalties thereon remaining unsatisfied.

(b) The Commissioner may also issue a certificate of release of lien upon the furnishing of a corporate surety bond satisfactory to the Commissioner by such employing unit in the amount of one hundred and twenty-five (125) percent of the sum of such contribution, interest and penalty, for which lien is claimed, conditioned upon the prompt payment of such contribution, together with interest and penalty thereon, by such employing unit to the Division in accordance with the provisions set forth in such bond.

Section 12. That subsection (4) of Section 341.370 of the Kentucky Revised Statutes is amended to read as follows:

(4) No worker shall be disqualified under paragraph (b) or (c) of subsection (1) or subsection (2) of this section unless the employer, within a reasonable time as prescribed by commission regulation, notifies the Division and the worker in writing of the alleged voluntary quitting or the discharge for misconduct; provided, however, that nothing in this subsection shall restrict the right of the Commissioner to disqualify a worker whose employer has refused or failed to notify the Division of the alleged voluntary quitting or discharge for misconduct if such alleged voluntary quitting or discharge for misconduct is known to the Commissioner prior to the time benefits are paid to such worker; provided further, that the exercise of such right by the Commissioner, in the absence of timely notice from the employer, shall not relieve the employer's reserve account of benefit charges under the provisions of KRS 341.530 (3).

Section 13. That subsection (5) of Section 341.370 of the Kentucky Revised Statutes is amended to read as follows:

(5) As used in this subsection and in subsection (3) of KRS 341.530, "most recent" work shall be construed as that work which occurred after the first day of the worker's base period and which last preceded the week of unemployment with respect to which benefits are claimed; except that, if the work last preceding such week of unemployment was intermittent or temporary in nature, most recent work may be construed as that work last preceding such intermittent or temporary work.

Section 14. That Section 341.380 of the Kentucky Revised Statutes is amended to read as follows:

341.380 PAYMENT OF BENEFITS; AMOUNT. (1) All benefits shall be paid through employment offices, or such other agencies designated by regulations of the Commission. Claims for all payments of benefits shall be made in accordance with regulations of the Commission.

(2) Benefits payable to an eligible worker, whose benefit year begins on or after April 1, 1952, for weeks of unemployment shall, except as provided in KRS 341.390, be at the benefit rate in Column "C" of Table "A" which appears on the same line with the "Base-Period Wages" of the worker as shown in Column "B" of the same table.

(3) The maximum amount of benefits payable to any worker within any benefit year shall be the amount in Column "D" of Table "A" which appears on the same line with "Base-Period Wages" of such worker as shown in Column "B" of the same table.

TABLE A

WAGE CLASS (A)	BASE-PERIOD WAGES (B)	BENEFIT RATE (C)	MAXIMUM AMOUNT (D)
0	Less than $300.00	$0.00	$ 0.00
1	$ 300.00— 324.99	8.00	208.00
2	325.00— 349.99	9.00	234.00
3	350.00— 399.99	10.00	260.00
4	400.00— 449.99	11.00	286.00
5	450.00— 499.99	12.00	312.00
6	500.00— 549.99	13.00	338.00
7	550.00— 624.99	14.00	364.00
8	625.00— 699.99	15.00	390.00
9	700.00— 774.99	16.00	416.00
10	775.00— 849.99	17.00	442.00
11	850.00— 949.99	18.00	468.00
12	950.00— 1,049.99	19.00	494.00
13	1,050.00— 1,149.99	20.00	520.00
14	1,150.00— 1,299.99	21.00	546.00

15	1,300.00– 1,449.99	22.00	572.00
16	1,450.00– 1,599.99	23.00	598.00
17	1,600.00– 1,749.99	24.00	624.00
18	1,750.00– 1,899.99	25.00	650.00
19	1,900.00– 2,099.99	26.00	676.00
20	2,100.00– 2,299.99	27.00	702.00
21	2,300.00 or over	28.00	728.00

Section 15. That Section 341.390 of the Kentucky Revised Statutes is amended to read as follows:

341.390 DEDUCTIONS FROM BENEFITS. There shall be deducted from the benefit rate determined for a worker in accordance with subsection (2) of KRS 341.380:

(1) Eighty per cent, adjusted to the nearest multiple of one dollar, of the amount of wages earned by such worker during the week of unemployment with respect to which he claims benefits; and

(2) The amount of remuneration which the worker has received or is receiving with respect to such week of unemployment (adjusted to the nearest multiple of one dollar) in the form of remuneration in lieu of notice. For the purpose of this section wages that could have been earned by the claimant from available, suitable work which he failed or refused to accept shall be considered as "wages earned" for the purpose of determining the amount of benefits payable to the worker for that particular week of unemployment.

Section 16. That subsection (3) of Section 341.420 of the Kentucky Revised Statutes is amended to read as follows:

(3) If benefits are allowed by a determination but the record of the case indicates that a disqualification under KRS 341.360 or 341.370 has been alleged, or may exist, benefits shall not be paid prior to the expiration of the period for appeal as provided in subsection (2) of this section. No benefits may be paid during any time that an appeal is pending or prior to the expiration of the period for appeal, except that, if a referee affirms a determination allowing benefits, they shall be paid until or unless the decision of the referee is reversed by the Commission. If benefits are paid pursuant to a decision of the referee

that is finally reversed in any subsequent proceedings with respect thereto, no employer's account shall be charged with benefits so paid, but such benefits shall be permanently charged against the pooled account and shall not be considered as an overpayment to the claimant.

Section 17. That Section 341.540 of the Kentucky Revised Statutes is amended to read as follows:

341.540 RESERVE ACCOUNTS OF SUCCESSIVE EMPLOYERS. (1) If a subject employer shall transfer or otherwise reorganize his entire organization, trade or business, the successor in interest is hereby required to assume the resources and liabilities of such employer's reserve account and to continue the payment of all contributions due under this chapter, except that the successor in interest shall not be required to assume the liability of any delinquent contributions of his predecessor or predecessors unless the Division notifies him of such delinquency within six months after the Division has notice of the transfer of ownership.

(2) The liability for delinquent contributions imposed upon the successor in interest by subsection (1) of this section shall be secondary to the liability of his predecessor or predecessors and if the delinquency has been reduced to judgment the order of execution on such judgment shall be as follows:

(a) Against the assets, both real and personal, of the predecessor or predecessors;

(b) Against the assets, both real and personal, of the business transferred; and

(c) Against the assets, both real and personal, of the successor in interest.

(3) Notwithstanding the provisions of subsection (1), any employing unit which acquires a portion of the organization, trade or business from an employer for whom a reserve account has been maintained by the Division, and who is, or by reason of such acquisition becomes, a subject employer, shall assume the position of such employer with respect to the resources and liabilities of such reserve account in proportion to the extent of

such acquisition as agreed upon by the parties in interest and approved by the Commission, and the taxable payrolls, benefit charges and the potential benefit charges shall likewise be assumed by the successors in interest in a like proportion.

(4) The contribution rate of a successor employing unit, whether in whole or in part, which was a subject employer at the time of such succession, shall not be affected by the transfer until the next computation date. The contribution rate of a successor employing unit which was not a subject employer prior to such succession, shall be the same as its predecessor, unless the successorship was in part only, in which event its contribution rate shall be two and seven-tenths percent until the next computation date.

Section 18. That subsection (5) of Section 341.990 of the Kentucky Revised Statutes is amended to read as follows:

(5) Any person who knowingly makes a false statement or representation of a material fact or knowingly fails to disclose a material fact to the Commissioner to obtain or increase any benefit under this chapter or under an employment security law of any other state, or of the Federal Government, either for himself or for any other person, shall be fined not less than ten dollars nor more than fifty dollars or imprisoned for not more than thirty days, or both. Each false statement or representation or failure shall constitute a separate offense.

Section 19. DECLARATION OF AN EMERGENCY.

Whereas, this Act contains provisions necessary to conform with certain amendments to the Federal Unemployment Tax Act and others which must be put into effect on April 1, 1952, an emergency hereby is declared to exist and this Act shall become effective upon its passage and approval by the Governor; except as to the amendment herein to KRS 341.270 which shall become effective January 1, 1953.

Said bill was ordered printed and referred.

By Mr. Peak and Lowman.

H. B. No. 146. AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 164.130 of the Kentucky Revised Statutes is amended to read as follows:

The government of the University of Kentucky is vested in a board of trustees, consisting of the Governor, who shall be chairman of the board, the Superintendent of Public Instruction, the Commissioner of Agriculture, Labor and Statistics, and twelve competent citizens of Kentucky appointed by the Governor. The terms of the appointed members shall be for four years and until their successors are appointed and qualify. Beginning January 1, 1953, three of the twelve appointed members shall be appointed each year, provided however, in order to give appropriate effect to this provision, that between the effective date of this Act and January 1, 1953, appointments shall be as follows: Three members shall be appointed for a one-year term calculated to have begun on January 1, 1952, three members shall be appointed for a three-year term calculated to have begun on January 1, 1952, and three members shall be appointed for a four-year term calculated to have begun on January 1, 1952. The terms of the three members of the present board which will expire December 31, 1953, shall not be affected by the foregoing provision. Three of the appointed members shall be representative of agricultural interests, three shall be alumni of the university and six shall be other distinguished citizens of the state. The Governor shall so make the appointments as to divide the representation upon the board, including the ex officio members, equally between the two leading political parties of this state. With the exception of the members of the board of trustees appointed from the alumni of the university, no two appointed members of the board shall be residents of any one county in Kentucky. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for original appointments.

Said bill was ordered printed and referred.

By Mr. Calvert.

H. B. No. 147. AN ACT imposing a penalty for removing or altering numbers on farm tractors or other units of farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who cuts off, defaces, or in any manner removes or alters any number placed by the manufacturer, for identification purposes, on the motor, chassis or frame of a motor vehicle, or of a farm tractor or other unit of farm equipment or machinery, shall be imprisoned in the penitentiary for not less than one year nor more than five years.

(2) The ownership, possession or control of a motor vehicle, or of a farm tractor or other unit of farm equipment or machinery, on which any motor, chassis, frame or other number has been altered, defaced or removed, shall be prima facie evidence that the altering, defacing or removing was done by the person owning, possessing or having control of the motor vehicle or farm tractor or other unit of farm equipment or machinery.

Said bill was ordered printed and referred.

By Mr. Calvert.

H. B. No. 148. AN ACT concerning promotion of agriculture and horticulture.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board may appoint a manager who shall not be one of their number. The appointment of a manager shall be on the basis of training, ability and experience. A man-

ager shall hold his position during the pleasure of the board, but may be removed only by an affirmative vote of six members of the board. A manager shall be responsible for the administration of the policies set by the board, shall devote his entire time and attention to the performance of such duties and work as may be required of him by law or be assigned to him by the board, and shall receive such salary, fixed on an annual basis, as the board may determine.

(2) A manager may organize such administrative divisions as may be necessary and may designate chiefs of such divisions who, under his control and supervision, shall have the duties of direction of such divisions. A manager may employ such other employes and agents as he deems necessary for the carrying out of the policies of the board and to conduct the affairs of the State Fair, and may fix the duties and compensation of any employes or agents with the approval of the board.

(3) The board may employ or contract with such other persons, firms or corporations as the board may deem necessary or desirable to accomplish its duties and functions; may fix the compensation and the terms of employment or contract of those employed or contracted with; and may assign to them such duties and responsibilities as the board may determine, including the responsibility of actual operation of any or all of the facilities under the control of the board.

(4) A manager and any persons employed under this section shall not be subject to the provisions of KRS 42.110 or 42.120.

Section 2. Section 137.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in KRS 137.050 to 137.110 until he has paid to the county clerk of the county in which he is engaged in such occupation or in selling such articles or in exercising such privilege the license tax prescribed in KRS 137.050 to 137.110 and obtained the license therefor.

(2) This section and KRS 137.050 shall not be construed

to impose a tax on any county, or community fair association or corporation or similar enterprise or upon the agent or concessionaire of any such association or corporation operating within the grounds or rooms devoted to a festival or fair of any such association or corporation which shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in KRS 137.050 to 137.110 for a period of not exceeding one week in any calendar year without profit to the members or stockholders or to any other person connected with such association or corporation. This exemption shall not be construed to permit such association, corporation or similar enterprise to possess cigarettes in packages, boxes or retail containers upon which the tax provided in KRS 138.140 has not been paid.

Section 3. None of the provisions of Chapter 137 and none of the provisions of section 91.200 of the Kentucky Revised Statutes shall apply to any operations on State Fair Grounds wherein the State Fair Board shares in the receipts and proceeds of such operations.

Section 4. Subsection (1) of Section 247.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall have exclusive control of concessions, exhibitions, shows, entertainments and attractions at any place on the State Fair Grounds and may, in the discretion of the board, operate any or all of such concessions, exhibitions, shows, entertainments and attractions, but the board shall not allow the operation of any gambling device or game of chance therein. It may delegate such control or operation to any of its employes or agents, or to an executive committee.

Said bill was ordered printed and referred.

By Mr. Moorman, Wm. Jones, Banton, Moore, Baer, Calvert, Blanton, Rouse, Hancock, and Mrs. Linton.

H. B. No. 149. AN ACT to amend Section 247.250, 247.280, 247.330, 247.340, 247.350, 247.370 of the Kentucky Revised Statutes relating to county farm bureaus and a state federation of county farm bureaus.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 247.250 of the Kentucky Revised Statutes is amended to read as follows:

The articles of incorporation of a county farm bureau shall be as follows:

"We, the undersigned farmers or landowners, residents of _____County, Kentucky, hereby adopt the following articles of incorporation:

"Article 1. The objects of this incorporation shall be to advance and improve in _____County, Kentucky, the science and art of agriculture, home economics, horticulture and animal industry, cooperating with the State Department of Agriculture, the College of Agriculture of the University of Kentucky and the United States Department of Agriculture.

"Article 2. The name of this corporation shall be the _____County Farm Bureau of _____County, Kentucky.

"Article 3. The affairs of this corporation shall be conducted by a president, a vice president, a secretary and a treasurer, who shall perform the duties usually pertaining to such positions, and by a board of directors of not less than seven members. All officers and directors shall be elected as provided for in the by-laws at an annual meeting and they shall hold office for one year and until their successors are elected, but, so that the terms of all directors shall not expire at the same time, the members, by by-law or resolution, may provide that at one annual election that the term of half the number of directors, or if there be an uneven number, that the term of one less than the majority or the term of a majority of one, elected at said election, shall be for one year, and the term of the remaining directors elected at said election shall be for two years, and that all elections for directors, after the expiration of the aforesaid specific terms, shall be for two years. We, the said incorporators, have elected the following provisional officers to hold their respective positions until their successors are elected at the annual meeting in the year 19_____.

President _____
Vice President _____
Secretary _____
Treasurer _____
1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____

"Article 4. The date of the annual meeting shall be stated in the by-laws. The by-laws shall be adopted by the members of the corporation and may be amended at any annual meeting of the members.

"Article 5. The yearly dues of the members of this corporation shall be not less than $5.00, payable at the time that application for membership is made and by or on the same date annually thereafter. No member who has once paid dues shall forfeit membership until subsequent dues are 60 days in arrears, but so long as any dues owing are unpaid, such member shall have no right to vote in any election or on any matter.

"Article 6. Any citizen of the county owning or operating a farm, or evidencing a primary interest in farming by reason of his position or occupation may become a member of the corporation by paying one year's dues and complying with the articles of incorporation and by-laws.

"Article 7. This corporation shall endure until terminated by operation of law."

Section 2. Any county farm bureau heretofore incorporated, pursuant to KRS 247.250, prior to this amendment thereto, shall not be required to re-incorporate, but its articles of incorporation shall be construed as having been amended to incorporate therein this amendment to KRS 247.250.

Section 3. That section 247.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) The outgoing president and treasurer of a farm bureau shall by the date of the annual meeting file with the county clerk full and detailed sworn reports of all receipts and expenditures of the corporation, showing from whom the sums were received and to whom they were paid, and for what purpose they were received or paid. A duplicate of the report shall be laid before the members at the annual meeting.

(2) The books, papers and records of the corporation shall at all times be open to the inspection of the fiscal court or anyone appointed by it to make examination.

Section 4. That section 247.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) A state federation of county farm bureaus may be formed by a majority of the county farm bureaus in existence at the time of the formation of said federation, which have been organized pursuant to sections 247.240 and 247.250 of the Kentucky Revised Statutes, but said majority shall consist of no less than 10 such county farm bureaus.

(2) The state federation of farm bureaus shall have for its purpose the advancement and improvement of agricultural and allied interests of the farms of this state and may cooperate with the State Department of Agriculture, the College of Agriculture of the University of Kentucky, and the United States Department of Agriculture.

(3) The provisions of sub-section (1) hereof shall not affect any existing state federation formed pursuant to the provisions of Chapter 76 or the Acts of 1920 of the General Assembly of the Commonwealth of Kentucky.

Section 5. That section 247.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) The said federation of farm bureaus organized pursuant to section 247.330 of the Kentucky Revised Statutes shall be a body corporate upon the filing with the county court clerk of the county in which the principal office of said federation is located, articles of incorporation signed by the requisite number of authorized representatives of said county farm bureaus, and

upon the filing of a copy of said articles of incorporation certified to by said county court clerk, in the office of the Secretary of State of the Commonwealth of Kentucky.

(2) Said articles of incorporation shall state:

(a) The names of the county farm bureaus organizing said state federation;

(b) The corporate name of said state federation;

(c) The location of the principal office;

(d) The nature of its business and its general powers, and may set out any other provision, which the incorporators may deem desirable and which are not in conflict with the law.

(3) The incorporators signing the articles of incorporation shall constitute the first board of directors until the first annual election date to be fixed by the by-laws of the corporation.

(4) Any state federation of county farm bureaus heretofore organized pursuant to the provisions of section 247.330, or, Chapter 76 of the Acts of 1920 of the General Assembly of the Commonwealth of Kentucky, and having heretofore filed its articles of incorporation as provided in this section, shall not be required to re-incorporate, but may continue its corporate existence as if done pursuant hereto, and said corporation or any corporation organized pursuant to this section and said section 247.330, may amend its articles of incorporation by a majority vote of its voting delegates assembled in annual state convention.

Section 6. That Section 247.350 of the Kentucky Revised Statutes is amended to read as follows:

Any state federation organized pursuant to sections 247.330 and 247.340 of the Kentucky Revised Statutes shall have the following organization and function in the following manner:

(1) The said federation shall hold an annual meeting at a date to be fixed by its by-laws, which annual meeting may be referred to as the "annual convention" of said federation.

(2) Each county farm bureau a member of said federation shall be entitled to one voting delegate at said convention for

the first 50 paid-in memberships received during the year ending prior to said state convention. Each additional 100 paid-in memberships or major portion thereof shall entitle the county farm bureau to an additional voting delegate. No voting delegate shall vote by proxy, unless the proxy is in writing in a form approved by the board of directors of the state federation.

(3) The governing body of said state federation shall consist of a board of directors of not less than seven members. The distribution of said directors shall be by state federation districts, and set forth in the by-laws of the corporation. Each director shall be elected for a term of two years, shall be a resident of the district from which he is elected, must be actively engaged in farming, or evidencing a primary interest therein by reason of his position or occupation, and shall be nominated by the voting delegates of said district and elected by a majority vote of the voting delegates voting either in person or by proxy at said election.

(4) Said state federation by by-laws shall have authority to provide for additional directors representing cooperating agricultural agencies.

(5) The officers of said federation shall consist of a president, a first vice president, and a second vice president, who shall be elected by majority vote cast by the voting delegates at the annual convention, and there shall be an executive officer of the corporation, who shall be elected by the board of directors, and who shall be an ex-officio member of the board, without power to vote.

(6) The board of directors shall select from its membership an executive committee composed of three persons, and said committee shall have general charge of the management of the business of the federation in the interim between meetings of the board of directors and shall possess such powers, duties and responsibilities as may be provided in the by-laws of the federation or by resolution of the board of directors.

Section 7. That Section 247.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every county farm bureau organized pursuant to the

Kentucky Revised Statutes shall be eligible to membership in any said state federation, but after its admission to membership, said federation shall have power to suspend its membership or expel it for failure to comply with any by-laws or reasonable rule or regulation of the federation.

(2) Any said state federation shall have authority to:

(a) Adopt, amend and repeal by-laws and amendments thereto by majority vote of the voting delegates voting at an annual convention.

(b) Assess annual membership dues against each county farm bureau, and base the amount thereof on the number of paid-in memberships in each county farm bureau.

(c) Acquire, own and hold property, pursuant to action of its board of directors, or by its executive committee upon authorization or approval of its board of directors.

(d) Borrow money and mortgage or pledge its property or assets by action of its board of directors, or, by its executive committee, upon authorization or approval of its board of directors.

(e) Accept gifts, devises and bequests, appropriate and expend its funds, pursuant to action of its board of directors, or its executive committee, upon authorization or approval by its board of directors, for the advancement of agriculture and allied interests and for any purposes deemed advisable to carry on its activities; and

(f) Do anything necessary to carry out the purpose for which it is organized.

Section 8. Any provision in Sections 247.250, 247.280, 247.330, 247.340, 247.350 and 247.370 of the Kentucky Revised Statutes heretofore in conflict with the aforesaid sections as now amended, are hereby repealed.

Section 9. If any provision of this Act is held to be invalid such invalidity shall not affect any other provision which can be given effect without any said invalid provision.

Said bill was ordered printed and referred.

By Mr. Baer and Calvert.

H. B. No. 150. AN ACT concerning the definition of "Filled Milk."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 217.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Filled Milk" as used in KRS 217.270 means any milk, cream or skimmed milk, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, except the fat or oil of contained eggs and nuts and the fat or oil of substances used for flavoring purposes only, so that the resulting product is an imitation or semblance of milk, cream, skimmed milk, ice cream mix, ice cream, or frozen desserts, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, whether in bulk or in containers, hermetically sealed or unsealed.

Said bill was ordered printed and referred.

By Mr. Sloan, Greene and Hale.

H. B. No. 151. AN ACT to amend and re-enact Section 145 of the Constitution of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That upon the concurrence of three-fifths of all the members elected to each House of the General Assembly, the ayes and nays being taken thereon and entered in full in their respective journals, Section 145 of the Constitution of the Commonwealth of Kentucky be amended, extended and reenacted so that as so amended, extended and reenacted it will read as follows:

2. "145. QUALIFICATIONS OF VOTER. PERSONS DISFRANCHISED. Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere but the following persons are excepted and shall not have the right to vote.

"1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the general assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon.

"2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

"3. Idiots and insane persons."

3. That this amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution and under the Kentucky Statutes.

Said bill was ordered printed and referred.

By Mr. Sanders.

H. B. No. 152. AN ACT relating to the ad valorem tax system of the state, counties, cities and other taxing districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

(1) Beginning January 1, 1953 and each year thereafter, the county clerk shall furnish weekly to the county tax commissioner a copy of the registration certificate for each motor vehicle registered. The address including the county in which the owner of the motor vehicle resides shall be shown on the copy of the registration certificate furnished. The county tax commissioner shall forward to the appropriate county tax commissioner all

registration certificates showing a county of residence other than his own. If a motor vehicle is registered in the name of a previous owner and then transferred immediately, the county clerk shall forward a copy of the transfer certificate as well as a copy of the registration certificate to the county tax commissioner. The county tax commissioner is authorized to list the motor vehicles listed on the registration certificate on the property tax rolls without notifying the taxpayer.

(2) The registration of a motor vehicle with the county clerk in order to operate it or permit it to be operated upon the highways shall be deemed consent by the registrant thereof for the motor vehicle to be assessed by the county tax commissioner at a valuation determined from a standard manual prescribed by the Department of Revenue for valuing motor vehicles for assessment unless the registrant appears in person before the tax commissioner to assess the vehicle.

(3) The registration of a motor vehicle on or before the date that the registration of such vehicle is required is prima facie evidence of ownership on January 1.

(4) This section does not apply to motor vehicles owned and operated by franchise companies, common carriers or agencies of the state and federal governments.

Said bill was ordered printed and referred.

By Mr. Weintraub.

H. B. No. 153. AN ACT relating to the establishment of a new city in Campbell County, Kentucky, to embrace certain existing cities and unincorporated territory adjacent thereto, and including provisions concerning an independent district to be embraced within such new city.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is the purpose of this Act to authorize the creation of a new city, which shall come into existence on January 1, 1954, and which shall embrace the following territory in Campbell County:

(1) The cities of Newport, Bellevue, Dayton, Fort Thomas, Southgate, Wilder and Woodlawn, and

(2) All unincorporated territory lying within a rectangular boundary consisting of the Ohio River on the north, the Licking River on the west, a true east and west line touching the southernmost point of the boundary of the southermost one of such cities on the south, and a true north and south line touching the easternmost point of the boundary of the easternmost one of such cities on the east.

Section 2. For the purposes of this Act, the unincorporated territory lying within the boundary of the proposed new city shall constitute a single separate voting unit and, together with the seven cities enumerated in Section 1, shall comprise the eight voting units which shall vote on the propositions set out in Section 3.

Section 3. At the general election in 1952 the voters of the territory to be embraced in the proposed new city shall vote on the proposition of creating such a city, and on the same ballot shall indicate their preference of a name and type of government for the new city in the event that it is created. The Clerk of Campbell County shall cause a separate ballot to be prepared for the purposes of this section and shall cause to be printed on such ballot the following three propositions:

(1) "Are you in favor of consolidating into a single new city, effective January 1, 1954, the following territory in Campbell County: (a) The cities of Newport, Bellevue, Dayton, Fort Thomas, Southgate, Wilder and Woodlawn, and (b) All unincorporated territory lying within a rectangular boundary consisting of the Ohio River on the north, the Licking River on the west, a true east and west line touching the southernmost part of the boundary of the southermost one of such cities on the south, and a true north and south line touching the easternmost point of the boundary of the easternmost one of such cities on the east?" with proper squares in which the voter may indicate "Yes" or "No."

(2) A question, in appropriate form, enabling the voter to indicate whether the new city, in the event that it is created,

shall operate under the commission or the city manager form of government.

(3) A question, in appropriate form, enabling the voter to indicate his choice of a name for the new city, in the event that it is created, from the names recommended pursuant to section 4.

The clerk of Campbell County shall also cause to be placed on the ballot an appropriately placed statement that propositions (2) and (3) are to be voted on regardless of how the voter voted on proposition (1).

Section 4. Not later than one hundred and twenty days prior to the general election in 1952 the legislative body of each of the cities enumerated in section 1 shall appoint a representative, and the representatives so appointed shall constitute a committee for the purpose of selecting proposed names for the proposed new city. Not later than sixty days prior to the general election the Clerk of Campbell County shall, by sending notice to the legislative body, of each of the cities, call a meeting of the committee at which time not less than two nor more than three proposed names shall be selected. A report thereof shall be filed with the County Court of Campbell County within fifteen days after the meeting, and shall be entered upon the records of the court.

Section 5. If a majority of the voters voting on proposition (1) in each of at least four of the eight voting units vote "Yes," and if a majority of the voters voting on proposition (1) in the entire territory to be embraced within the proposed new city vote "Yes," the new city is thereby created. The new city shall officially come into existence on January 1, 1954, and shall constitute a city of the second class. It shall be governed under the form of government approved by a majority of the voters voting on proposition (2), and shall bear the name receiving the greatest number of votes cast on proposition (3).

Section 6. The provisions of sections 7 through 13 are applicable only if the new city is created.

Section 7. At the general election in 1953 officers for the new city shall be elected from among candidates nominated in a primary election. The then existing primary and general elec-

tion laws relating to second class cities operating under the commission form of government or the city manager form of government, whichever form is chosen for the new city, shall be applicable, except that if the city manager form is chosen, the newspaper publications required by KRS 89.440 shall be made in the newspaper having the largest bona fide circulation in the territory embraced within the new city. The expenses of the primary election, and such expenses of the general election as by statute are chargeable to a city, shall be prorated among the cities enumerated in section 1, and the fiscal court of Campbell County, in the ratio that the population of such cities, and the population of the unincorporated territory embraced within the new city, bears to the entire population of the new city. No primary or general election for city officers of the cities enumerated in section 1 shall be held in 1953.

Section 8. The terms of any city officers of the cities enumerated in section 1 which normally would not expire until sometime after January 1, 1954, shall expire on the first day of January, 1954, and the terms of the officers for the new city shall commence on that day.

Section 9. (1) On January 1, 1954, the new city shall take over all the public moneys belonging to all the cities enumerated in section 1. These moneys shall be used by the new city to carry on the usual municipal functions, except, that any part of the moneys held by the several cities which has been budgeted for use in paying on any outstanding indebtedness of any of the cities shall not be used for any other purpose.

(2) The territory embraced within each of the cities enumerated in section 1 shall continue to constitute a separate taxing district for the purpose of paying any outstanding indebtedness of the original city, and the separate indebtedness of each city shall constitute a first lien on the property within such territory. The legislative body of the new city shall fix the tax rate for each of the separate taxing districts, and provide for the assessment of property and the collection of the taxes in the same manner as for regular city taxes. The money collected as taxes for each of the separate taxing districts, as distinguished from the regular city taxes collected from the entire territory em-

braced within the new city, shall be kept separate and apart and shall be used only in payment of the debts of the respective former cities.

Section 10. All territory embraced within the new city shall constitute a single independent school district. At the regular election in 1953, members of the board of education for the district shall be elected within the territory to be embraced within the new city, as provided by law. Two of the members shall serve for a term of only one year and the other three members shall serve for a term of only three years. Upon taking office, the members shall determine by lot which two members shall serve for terms of only one year. The terms of all school board members in the present independent school districts in the territory embraced within the new city which normally would not expire until sometime after January 1, 1954, shall expire on that date and the terms of the members elected for the new independent district shall commence on that day. The independent school district embraced within the new city shall take over all the assets and legal liabilities of the former separate independent school districts, and shall take over all school property within the new city that formerly was operated by the county school district, and shall assume a proportionate part of the legal liabilities of the county school district. Any tax levies authorized for the payment of interest and retirement of bonds or the provision for sinking funds for such purposes shall continue to be levied and collected over the same respective areas by the new board of education in accordance with the laws under which the levies originally were made until all bonded obligations of the old district or districts have been retired.

Section 11. Any boards, commissions or similar agencies of any of the cities enumerated in section 1, shall, as of January 1, 1954, be abolished; appropriate boards, commissions or agencies of the same or a similar character, authorized by law for cities of the second class, shall be established by the legislative body of the new city in lieu thereof, and all funds and properties of the abolished boards, commissions or agencies shall be transferred to the appropriate new board, commission or agency.

Section 12. All records, supplies, equipment and property of every character of the cities enumerated in Section 1, shall be turned over to the proper officials of the new city. Any city empoyes having civil service status in any of the cities enumerated in section 1 shall be entitled to continue in the service of the new city in similar status, under an appropriate civil service ordinance to be enacted by the new city. Any pension funds for city employes maintained by any of the cities enumerated in section 1 shall be kept separate and apart by the new city, for the benefit of the employes having an interest therein.

Section 13. In order that the legislative body of the new city may initiate, on a specific date, an integrated, over-all governmental program, it is authorized to make such temporary adjustments as are necessary to reconcile the varying taxing procedures and other governmental activities of the individual political units which were incorporated into the new city. Such adjustments may include the levy and collection of taxes for periods of less than a year in certain of the former political units, and other similar action.

Said bill was ordered printed and referred.

By Mr. Holbrook and Hale.

H. B. No. 154. AN ACT relating to Service and Sale of natural gas to owners of property where gas or wells or gas pipe line are located.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every gas pipe line company in this state shall, upon the request of the owner of the property where any gas well or gas pipe line is located, furnish service to such owner at rates determined by the Public Service Commission.

Said bill was ordered printed and referred.

By Mr. Holbrook.

H. B. No. 155. AN ACT relating to the practice of medicine.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person who has been engaged in the practice of medicine for a period of forty years or more prior to the effective date of this Act and who presents affidavits from two reputable licensed members of the medical profession, who practice in the same general locality with him and who know his professional qualifications, to the effect that he is qualified to be a member of the medical profession, upon application to the State Board of Health and the payment to the Board of a fee of twenty-five dollars, shall be entitled to a license, and said Board shall issue to such applicant a license on the standard form used and approved by the Board, signed by its president and secretary and authenticated by its seal, which license he shall have recorded in the office of the county court clerk of the county in which he resides, as provided in KRS 311.090.

Section 2. Any person issued a license under the authority of this Act shall not be liable to prosecution under subsection (1) of KRS 311.990 for practice of medicine without a license at a time prior to the issuance of the license.

Said bill was ordered printed and referred.

By Mrs. Stovall.

H. B. No. 156. AN ACT to exempt the first $50.00 per month of earned income in determining the need of a blind applicant for or recipient of assistance; and defining earned income; and prohibiting the use of exempt income for any other purpose.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. On and after July first, 1952, the first $50.00 per month of earned income of a blind applicant for or recipient of assisitance under the law of the Commonwealth of Kentucky, administered by the Kentucky Department of Economic Secur-

ity, shall not be deemed income or resources of such applicant for or recipient of assistance, and shall be disregarded in determining the need of any applicant for or recipient of assistance, and shall not be deducted from the amount of assistance which any applicant for or recipient of assistance otherwise would receive.

Section 2. For the purposes of this Act, earned income of a blind applicant for, or recipient of assistance is net remuneration which is received as a result of the current efforts of the applicant for or recipient of assistance, i.e., remuneration for employment, self-employment or otherwise, including the cash value of all remunerations paid in any other medium other than cash. Earned income shall include all net income from salaries, wages, commissions or fees paid to the applicant for or recipient of assistance, and all net income from a business or profession owned or practiced by the applicant for or recipient of assistance. In computing net income, the following deductions shall be made from the gross income of the applicant for or recipient of assistance: (1) Personal income withholding taxes. (2) Social Security taxes (including unemployment insurance, old age and survivor's insurance, etc.). (3) The reasonable cost of lunches or other meals necessarily purchased away from home due to employment. (4) The cost of purchase of suitable clothing for employment although the purchase of new clothing may not be necessary, employment must result in increased cost of clothing replacement. (5) The cost of laundry and cleaning service if necessary because of employment. (6) The cost of all transportation incident to employment. (7) The cost of tools and other equipment necessary to employment. (8) The cost of lodging while away from home incident to employment. (9) Dues to labor unions or to trade or professional organizations. (10) Interest incurred in carrying on a business or profession. (11) Taxes on property used in a business or profession. (12) The cost of the telephone used in a business or profession. (13) Bad debts resulting from the sale of merchandise or equipment used in a business or profession. (14) Salaries, wages, fees or commissions paid by the applicant for or recipient of assistance in carrying on a business or profession. (15) The cost of repairs, rent and service charges on property used in a business or profession.

(16) Allowance for depreciation of property used in a business or profession. (17) The cost of merchandise used in a business or profession.

Section 3. Income required to be disregarded under Section 1 of this act shall not be considered for any other purpose, including the purpose of determining the eligibility of the blind individual's spouse, child, or other relative for assistance to the blind, assistance to needy children, to the needy aged, or any other form of relief or assistance or the amount thereof.

Said bill was ordered printed and referred.

CALENDAR

The House took up for consideration from the Calendar House Resolutions and House Bills of the following titles, viz:

Mr. Lowman moved that the constitutional provision as to the second reading at length of said bills be dispensed with, and said bills be read for the second time by their title only.

Said motion was agreed to.

H. B. No. 74. AN ACT relating to the Workman's Compensation Act authorizing the Tuberculosis Sanatoria Commission to elect to come under the provisions of the Act.

H. B. No. 73. AN ACT relating to the Kentucky Water Pollution Control Commission.

H. B. No. 72. AN ACT relating to births and deaths, amending section 213.150 of the Kentucky Revised Statutes.

H. B. No. 69. AN ACT relating to income taxation.

H. B. No. 62. AN ACT relating to narcotic drugs, amending section 218.210 of the Kentucky Revised Statutes.

H. B. No. 66. AN ACT concerning inheritance taxes.

H. B. No. 68. AN ACT to repeal, amend and re-enact Section 382.300, Kentucky Revised Statutes.

H. Res. No. 4. A JOIN TRESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

H. B. No. 59. AN ACT relating to policemen's and firemen's pension funds in cities of the second and third classes.

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

H. B. No. 11. AN ACT relating to terms of court in the Fifteenth Judicial District.

H. B. No. 116. AN ACT relating to terms of court in the Twenty-Fourth Judicial District.

H. B. No. 53. AN ACT concerning certain changes in the provisions concerning the involuntary dissolution of private corporations.

H. B. No. 1. AN ACT relating to the issuance of duplicate game, hunting, and fishing licenses and tags where such original license or tag is lost or destroyed; providing fees for such duplicate.

Ordered that said bills and resolution be each and severally placed in the Orders of the Day.

ORDERS OF THE DAY

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz:

H. B. No. 36. AN ACT relating to time.

Mr. Lowman having moved that said bill be made a Special Order of business on Thursday, January 31, 1952 at 1:30 o'clock p.m. the consideration of said bill was deferred until said time.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Henry of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, a bill of the following title, viz:

H. B. No. 12. AN ACT relating to appropriations for the operation, maintenance, support and functioning of the government of the Commonwealth of Kentucky and its various of-

ficers, departments, boards, commissions, institutions, subdivisions, agencies and other State supported activities.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

Mr. Morgan moved that the rules of the House be suspended and that Miss Jean Holloway and Master Edd Holloway of Taylorsville, Kentucky, be made Honorary Pages for the regular session of the General Assembly.

Said motion was agreed to.

Mr. Lowman moved that the House do now adjourn to meet again at 1:00 o'clock p.m. Tuesday, January 29, 1952.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 29, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend H. Glenn Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Owen Billington	Mrs. Mary E. Burnett
Dr. John Adkins, Jr.	Wm. W. Blanton	Alex H. Calvert
Henry Arrowood	R. O. Blevins	Walter J. Chyle, Jr.
Everett J. Bach	J. C. Bradley	Marvin A. Cornett
Sidney Baer	Edw. T. Breathitt	Josh R. Cosby
John Rhea Banton	Edward O. Bridgers	Charles M. Crowe
Clarence J. Barnum	Thomas L. Britton	J. C. Denney, Jr.

C. E. Dowell	Jennings Kearby	Clem Schroader
James A. Dressman, Jr.	Jesse H. Lawrence	Gus F. Sheehan, Jr.
Thomas R. Duncan	Paul M. Lewis	Dr. B. F. Shields
R. L. Dunigan	Mrs. J. T. Linton	John A. Sloan
Jack Early	Harry K. Lowman	E. A. Spencer
Harold Edwards	Shelby McCallum	Mrs. Thelma Stovall
William Engle	Russell L. Meadows	E. H. (Ted) Stumbo
Roscoe Estep	Tom Mobley	Egbert V. Taylor
Herbert Fern	Robert H. Moore	Albert Thomason
Leslie Gay	Walter R. Moorman	William F. Threlkeld
Henry J. Giles	Fred H. Morgan	Marion Vance
Chas. M. Greene	Earl F. Murphy	J. B. Veech
Henry C. Hale	Thomas J. Murphy	Eulick (Mike) Walsh
Eugene B. Hancock	Ewin C. Neville	Wm. Thos. Wathen
John Head	Bart N. Peak	L. M. Weathers
William K. Henry	Louis T. Peniston	W. W. Webster
Thomas D. Hewlett	Hobart Rayburn	Hicks Wells
Henry R. Heyburn	Tipton Reed	William B. Wells
E. R. Hilton	J. F. Robinson	W. A. (Pete) Wickliffe
Ray Holbrook	Earl Rogers	Charles W. Wirsch
Chester J. Holsclaw	Joe Rouse	Walker H. Wiseman
William M. Horn	Carl J. Ruh	Garrett L. Withers
Paul S. Jonas	Amos Runyon	Charles W. Burnley
William L. Jones	Cecil Sanders	Speaker

Mr. Peak moved that the rules of the House be suspended in order to hear an announcement from Miss Jean Hardwick and Mr. Robert Smith, President of the Student Council at the University of Kentucky.

Said motion was agreed to.

Miss Hardwick and Mr. Smith extended an invitation to the members of the House to attend a basketball game at the University.

Mr. Barnum moved that the reading of the Journal of the proceedings of Monday, January 28, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

INTRODUCTION OF BILLS & RESOLUTION

Bills and a resolution of the following titles were introduced, viz:

By Mr. Lowman.

H. B. No. 157. AN ACT relating to children, and their care, custody, treatment and disposition; including provisions as to juvenile courts and as to the jurisdiction and powers of other courts concerning children, and provisions for the establishment of agencies and facilities of the state for the administration of state functions regarding children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context otherwise requires:

(1) "Child" means any person who has not reached his eighteenth birthday.

(2) "Court" means the juvenile session of the county court.

(3) "Youth Authority" means the agency of this state so named.

Sec. 2. (1) Except as otherwise provided in this Act, the county court of each county shall have exclusive jurisdiction in proceedings concerning any child living or found within the county:

(a) Who is neglected as to proper or necessary support or education as required by law, or as to medical, psychiatric, psychological or other care necessary for his well-being, or who is abandoned by his parent or other custodian;

(b) Whose occupation, behavior, conditions, environment or associations are such as to injure his welfare or that of others;

(c) Who is beyond the control of his parent or other custodian; or

(d) Who is alleged to have violated or attempted to violate

any federal or state law, or municipal ordinance, regardless of where the violation occurred.

(2) Any person who is alleged to have violated or attempted to violate any federal or state law, or municipal ordinance, prior to having reached his eighteenth birthday shall, if proceedings concerning him are instituted prior to his twentieth birthday, be dealt with as provided in this Act for a child.

(3) Nothing in this Act shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this Act affect the jurisdiction of circuit courts over adoptions and over proceedings for termination of parental rights.

Sec. 3. The county court in the trial and disposition of proceedings concerning children, excepting guardianship proceedings and inquests concerning sanity, shall be called the "juvenile court." A special record book shall be kept by the court for all such cases, to be known as the "juvenile record," and the docket or calendar of such cases shall be called the "juvenile docket."

Sec. 4. (1) The clerk of each county court shall be clerk of the juvenile session of the county court. He shall attend all sessions of the court and shall keep a complete and indexed record of its proceedings. For his services the fiscal court shall make him a reasonable annual allowance to be paid out of the county treasury.

(2) In counties having a city of the first or second class, the juvenile court may appoint a stenographer who shall take down in shorthand such evidence offered in the proceedings as the court deems necessary. The stenographer shall make a transcript of the substance of the evidence taken down, and file it with the papers of the proceeding. The stenographer shall perform such other duties as are assigned to him by the county judge and shall receive a salary to be fixed by the fiscal court.

(3) In counties other than those having a city of the first or second class, the juvenile court may, in such individual cases as the court deems advisable, employ a stenographer to take and transcribe testimony. For these services the stenographer shall receive a reasonable fee to be fixed by the court and paid out of the county treasury.

Sec. 5. In counties containing a city of the first or second class, a special courtroom for the juvenile court, and suitable quarters for personnel attached to the court, shall be provided by the fiscal court. The courtroom and quarters may be either in the county courthouse or in some other building.

Sec. 6. All cases involving children shall be dealt with by the juvenile court at separate hearings and without a jury. The hearings shall be conducted in an informal manner, and may be adjourned from time to time. The general public shall be excluded and only such persons admitted as the judge shall find to have a direct interest in the case or in the work of the court. The presence of the child in court may be waived by the court at any stage of the proceedings.

Sec. 7. (1) Whenever any person informs the juvenile court that a child is within the purview of section 2 of this Act, the court shall make a preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Thereupon the court may make such informal adjustment as is practicable without a petition, or a petition for proceedings concerning the child may be filed by any person. The petition and all subsequent court documents shall be entitled: "In the interest of————, a child."

(2) The petition shall be verified and may be upon information and belief. It shall set forth plainly:

(a) The facts which bring the child within the purview of section 2 of this Act.

(b) The name, age and residence of the child.

(c) The name and residence of each parent.

(d) If the child has a legal guardian other than a parent, the name and residence of such guardian.

(e) If no parent or guardian is known or can be found, the name and residence of the nearest known adult relative of the child.

(f) If the child is in the custody or control of a person other than the parent, guardian or nearest adult relative, the name and residence of such person.

(3) If any of the facts required to be stated in the petition are not known by the petitioner, the petition shall so state.

Sec. 8. (1) After a petition has been filed and after such further investigation as the court may direct, unless the parties appear voluntarily, the court shall issue a summons briefly reciting the substance of the petition and requiring the person who has the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned is other than a parent or guardian of the child, the parent or guardian or both shall also be notified of the pendency of the proceeding and of the time and place appointed. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

(2) If it appears to the court, at the time the summons is issued, that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the judge may order, by endorsement on the summons, that the officer serving the summons shall at once take the child into custody. In such cases, the child shall be placed in the detention facility provided for under section 13 of this Act, and held therein pending further disposition by the court.

Sec. 9. (1) The summons and notice provided for in section 8 of this Act shall be served personally by the delivery of a copy thereof to the person summoned, unless the judge is satisfied that personal service would be impracticable, in which event the judge may order service by mail addressed to the last-known address, or by publication, or both. Service by mail shall be deemed to be effected upon mailing, and service by publication shall be deemed to be effected upon publication. It shall be sufficient to confer jurisdiction if service is effected at least 48

hours before the time for appearance specified in the summons or notice.

(2) Service of summons or notice may be made by any suitable person under the direction of the court, and upon request of the court shall be made by any peace officer.

Sec. 10. Any person summoned who, without reasonable cause, fails to appear, may be proceeded against for contempt of court. In case the summons cannot be served, or the parties served fail to appear, or in any case when it appears to the judge that the service will be ineffectual, or that the welfare of the child requires that he be brought forthwith into the custody of the court, a warrant may be issued for the parent, guardian, person having custody and control, or the child.

Sec. 11. (1) The law relating to the persons by whom and the circumstances under which a person may be arrested for a public offense shall be applicable to children, but the taking of a child into custody under such law shall not be termed an arrest, and a child after having been so taken into custody shall be dealt with as provided in this Act. The law relating to bail shall not be applicable to children detained in accordance with this Act.

(2) When a child is taken into custody by a person other than a peace officer, on a charge of committing a public offense, such person shall as soon as possible place the child in the custody of a peace officer.

(3) When a peace officer has taken or received a child into custody on a charge of committing a public offense, the officer shall notify the parent, guardian or custodian of the child as soon as possible. Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the child in secure custody, or unless other directions have been given by the court, the officer shall release the child to the custody of his parent or other responsible adult upon the written promise, signed by such person, to bring the child to the court at a stated time or at such time as the court may direct. The written promise, accompanied by a written report by the officer, shall be submitted to the court forthwith. If the person fails to

produce the child as agreed or upon notice from the court, a warrant may be issued for the apprehension of the person or of the child, or both.

(4) If the child is not released as provided in subsection (3) of this section, the child shall be taken without delay to the court or to the detention facility provided for under section 13 of this Act. If taken to the detention facility, the officer shall as soon as possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention, subject to further order, but no child shall be held in detention longer than two days, excluding Sundays and holidays, except pursuant to a written order signed by the judge.

(5) Unless the child has been released to the custody of his parent, guardian or custodian in accordance with subsection (3) or (4) of this section, the parent, guardian or custodian shall be notified as provided in sections 8 and 9 of this Act, of the time and place set for holding a hearing concerning the child.

Sec. 12. No child under 16 shall at any time be detained in any police station, lockup, jail or prison, except that, on the basis of a hearing for that purpose, by the juvenile court judge, a child whose conduct or condition is such as to endanger his safety or welfare or that of others in the detention facility for children, may be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adult prisoners.

Sec. 13. (1) The fiscal court of each county shall provide for a suitable facility or facilities for the detention of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation thereof.

(2) In counties containing a city of the first or second class, the fiscal court shall maintain a permanent detention home, either through arrangement with another public agency or with

a private organization or agency, or by acquiring and operating the home as a county institution.

(3) In counties other than those containing a city of the first or second class, the fiscal court shall either maintain a detention home or arrange for the use of private or family homes.

(4) The Kentucky Children's Bureau may assist the counties in the acquisition, development and furnishing of detention facilities, and may employ available funds for that purpose. All detention facilities shall be subject to supervision by the Kentucky Children's Bureau and its designated representatives, and shall conform to rules and regulations prescribed by the bureau.

(5 Each detention facility shall be conducted under the jurisdiction of the juvenile court for which it is maintained, and each child detained in such facility shall be deemed to be under the jurisdiction of the court.

Sec. 14. (1) Before making disposition of the case of a child brought before the juvenile court, whether by petition pursuant to section 7 of this Act or by reason of having been taken into custody pursuant to Section 11 of this Act, the judge shall cause an investigation to be made, concerning the nature of the specific act complained of, and any circumstances surrounding the child which throw light on the future care and guidance which should be given the child. The investigation shall include an inquiry into the child's age, habits, school record, general reputation and everything that may pertain to his life and character. The investigation shall also include an inquiry into the home conditions, life and character of the person having custody of the child. The result of the investigation shall be reported in writing to the judge previous to the final hearing of the child's case, and shall become a part of the record of the proceedings.

(2) The investigation shall be conducted by volunteer or salaried probation officers of the juvenile court or by a suitable public or private agency. The Kentucky Children's Bureau may furnish investigation services, under agreements with individual juvenile courts. For this purpose, any county judge may enter into a contract, on behalf of his county, with the

Kentucky Children's Bureau for the furnishing of such services.

Sec. 15. If an investigation indicates that a child before the juvenile court may be mentally ill or defective, the court may cause the child to be examined by a health officer or child guidance clinic, or any reputable physician who will conduct the examination without expense to the county. If such examination confirms mental illness or defect, further proceedings shall be had in accordance with the law governing inquests concerning sanity.

Sec. 16. When the health of any child before the juvenile court requires it, the court may order the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will provide treatment and care without charge to the county. In order to ascertain whether the child is in normal health, the court may cause the child to be examined by a health officer or children's clinic or any reputable physician who will conduct the examination without charge to the county.

Sec. 17. (1) If, during the course of any proceeding in the juvenile court, it appears that a child before the court has committed a felony, and at the time of commission of the offense the child was 16 years of age or older, or was less than 16 years of age but the offense was murder or rape, and the court is of the opinion that the best interests of the child and of the public require that the child be tried and disposed of under the regular law governing crimes, the court in its discretion may make an order transferring the case to the circuit court of the county in which the offense was committed.

(2) When the juvenile court so transfers a case to the circuit court:

(a) If a grand jury considers the case and is satisfied there is sufficient evidence to indict the child, it may either return an indictment or may return a written report to the circuit court recommending that the child be committed to the Youth Authority. If the court believes that such commitment would be proper, it may order the child committed to the Youth Authority.

(b) If, during any stage of the trial in the circuit court, the

child or his parent or guardian so requests, the judge in his discretion may stop the trial and commit the child to the Youth Authority.

(c) If neither of the procedures specified in paragraphs (a) and (b) are employed, the child shall be tried as any other defendant.

(d) While under the jurisdiction of the circuit court, the child shall be subject to bail the same as an adult.

(e) Any commitment to the Youth Authority under paragraph (a) or (b) of this subsection shall be for an indeterminate period not to exceed the age of 21.

Sec. 18. (1) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection (2) of section 17 of this Act, is convicted of a felony, and sentenced to imprisonment, he shall be committed to the penitentiary, except that in the case of a child who is under 20 years of age at the time of sentencing, the court in its discretion may commit the child to the Youth Authority. In such case, if the period of the sentence imposed by the verdict would expire before the child reaches 21 years of age, the commitment to the Youth Authority shall be for an indeterminate period not to exceed the age of 21. If the period of the sentence imposed by the verdict would extend beyond the age of 21, the commitment shall be to the Youth Authority until the age of 21, and thereafter to the penitentiary. In the latter case, if the child is out on parole at the time he becomes 21, he shall continue to be subject to the parole supervision of the Youth Authority; however, if the parole is revoked he shall be returned to the penitentiary and shall thereafter be dealt with the same as an adult sentenced to the penitentiary.

(2) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection (2) of section 17 of this Act, is convicted of a misdemeanor, and sentenced to imprisonment, he shall be committed to the county jail, except that in the case of a child who is under 20 years of age at the time of sentencing, the court in its discretion may commit the child to the Youth Authority, for an indeterminate period not to exceed the age of 21 years.

Sec. 19. When a child before the juvenile court, whether by petition pursuant to section 7 of this Act or by reason of having been taken into custody pursuant to section 11 of this Act, is found by the court to come within the purview of section 2 of this Act, the court shall so decree and in its decree shall make a finding of the facts upon which the court exercises its jurisdiction over the child. If the court finds that the child does not come within the purview of section 2 of this Act, the child shall be discharged and the proceedings dismissed.

Sec. 20. (1) If in its decree the juvenile court finds that the child has committed a public offense, the court may, by order:

(a) Place the child on probation or under supervision in his own home or in a suitable family home or boarding home, upon such conditions as the court shall determine. Probation shall not be ordered or administered as a punishment, but as a measure for the protection, guidance and well-being of the child and his family. A child so placed on probation shall be subject to the visitation and supervision of a probation officer or child welfare worker. Probation methods shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character, with the aid of the social resources of the community. A child so placed on probation shall remain subject to the jurisdiction of the juvenile court until he becomes 21 years of age, unless he is discharged prior thereto by the court.

(b) Commit the child to the custody or guardianship of a private or public institution or agency authorized to care for children, or under the guardianship of a suitable person. Such commitment shall be until the age of 21, subject to the power of the court to discharge the child prior thereto. In committing a child to a private institution or agency the court shall select one that is approved by the Kentucky Children's Bureau and children committed to such an institution or agency shall be subject to the visitation and supervision of a probation officer or child welfare worker.

(c) Commit the child to the Youth Authority. Such com-

mitment shall be for an indeterminate period not to exceed the age of 21.

(2) If a child is disposed of as provided in paragraph (a) or (b) of subsection (1) of this section, the court may modify or set aside its order at any time, and direct that the child be otherwise disposed of in accordance with this Act.

(3) No adjudication by a juvenile court of the status of any child shall be deemed a conviction, nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication.

Sec. 21. If in its decree the juvenile court finds that the child comes within the purview of section 2 of this Act, but has not committed a public offense, the court may dispose of the child as provided in section 20 of this Act, except that the court may not commit the child to the Youth Authority unless the Youth Authority has indicated to the court that it has facilities available to care for the child and is willing to accept the commitment.

Sec. 22. The Kentucky Children's Bureau shall assist the juvenile courts in the placing of children in family homes or boarding homes, and, under agreements with the individual juvenile courts, may assume responsibility for making such placements. Counties may pay or contribute towards the expenses of maintaining children in family homes or boarding homes and, to the extent authorized by the fiscal court, the Kentucky Children's Bureau may incur obligations chargeable to the county for such expenses.

Sec. 23. In support of any order or decree, the juvenile court may require the parents or other person having custody of a child, or any other person who has been found by the court to be encouraging, causing or contributing to the acts or conditions which bring the child within the purview of section 2 of this Act, to do any acts required by law or to desist from doing any acts forbidden by law, when the court deems such requirement necessary for the welfare of the child. In case of failure to comply with such requirement, the court may proceed against such persons for contempt of court.

Sec. 24. In adjudging a child to be within the purview of section 2 of this Act by reason of having committed a public offense, the court may require the child to make restitution or reparation to any injured person to such extent, in such sum and upon such conditions as the court determines.

Sec. 25. In placing a child on probation in a family home or boarding home, or in committing a child to a private institution or agency, the court shall as far as practicable select a home, institution or agency operated or governed by persons of the same religious faith as the parents of the child.

Sec. 26. (1) No female child shall be transported to any institution, pursuant to order of any court or direction of the Youth Authority, unless accompanied by a female attendant, or, when authorized in writing by the court or authority, by a parent, grandparent, or adult brother or sister. Any such relative shall not be reimbursed out of public funds for travel or other expenses incurred in so accompanying the child.

(2) The agent of any institution who receives a female transported to the institution shall report any violation of subsection (1) of this section to the Commonwealth's Attorney of the judicial district in which the institution is located.

Sec. 27. Whenever any court commits a child to the Youth Authority or whenever a juvenile court commits a child to any institution or agency, the court shall cause to be transmitted to the Authority, institution or agency a certified copy of the commitment order, together with a summary of the court's information concerning the child. The child shall be held by virtue of the order, and the certified copy of the order shall be proof of the authority of the Youth Authority, institution or agency in behalf of the child.

Sec. 28. If it appears that the parent of any child who has been placed on probation in a family home or boarding home, or has been committed to the Youth Authority or to an institution or agency, is able to contribute to the support of the child, the court shall enter an order requiring the parent to pay a reasonable sum from time to time for the support, maintenance or education of the child. The order shall direct that the money

be paid to the county clerk to be disbursed as ordered by the court or be paid to the person, institution, agency or Youth Authority to which the child was committed or probated. On application and on such notice as the court may direct, the court may make alterations in the requirement for contribution. The court may require the parent to give security for payment of the sums due, and shall have the powers of a court of equity in enforcing its orders.

Sec. 29. On or before March 1 of each year, each county clerk shall submit to the Kentucky Children's Bureau a written report showing the number and disposition of children brought before the juvenile court during the preceding calendar year, together with such information concerning the cases as the bureau shall prescribe. The report shall be upon blanks prescribed and furnished by the bureau.

Sec. 30. The person in charge of any home to which a child is probated, and the governing authority of any private institution or agency to which a child is committed, shall make such reports to the juvenile court as the court may require, and such reports to the Kentucky Children's Bureau as the bureau may require, concerning the child and the actions of the home, institution or agency in behalf of the child. The Kentucky Children's Bureau shall have power to make such visitations and inspections of the homes, institutions and agencies as it deems necessary.

Sec. 31. (1) The county judge of each county may appoint a board of not less than six nor more than ten reputable inhabitants to be called the advisory board of the juvenile court. The members of the board shall hold office during the pleasure of the judge, and shall serve without compensation.

(2) The board shall visit at least once a year all institutions in the county receiving children under this Act, and may visit any family home or boarding home in the county receiving children under this Act. At least two of the members of the board shall go together on the visits, and shall make a report to the board. The board shall report to the juvenile court from time to time the condition of the children in the institutions or homes and shall make an annual report to the juvenile court.

(3) The board shall advise and cooperate with the county judge upon all matters affecting the workings of this Act, and shall recommend to the court any needful measures for the purpose of carrying out the provisions of the Act. The appointment and utilization of such advisory boards by each county judge is recommended by the General Assembly as a matter of public policy.

Sec. 32. (1) In counties containing a city of the first or second class, the county judge may appoint a chief probation officer of the juvenile court and such number of assistant probation officers as may be authorized by the fiscal court. Such officers shall receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the county treasury. The officers shall serve at the pleasure of the county judge. The officers shall have the powers of a sheriff in making arrests.

(2) In any county, the county judge may appoint or designate one or more discreet persons of good moral character to serve as volunteer probation officers of the juvenile court. Such officers shall serve during the pleasure of the judge and without compensation, except that the fiscal court may authorize the payment of compensation out of the county treasury to any such officers. Field Workers of the Kentucky Children's Bureau may be appointed or designated as such volunteer probation officers, but without compensation from county funds.

Sec. 33. Probation officers of the juvenile court shall:

(1) Make investigations as provided in section 14 of this Act.

(2) Be present in court to represent the interest of the child when the cases investigated by them are heard; furnish such information as may be required; advise with the court as to the proper disposition of the case; and take such charge of the child before and after the hearing as may be ordered.

(3) Visit and supervise children placed on probation, and as far as practicable, aid and encourage such children, by friendly

advice and admonition, to keep the terms of their probation, and provide for their rehabilitation.

(4) Make such reports and records as may be required by the court.

(5) Supervise the transfer of children to and from homes or institutions, as directed by the court.

(6) Work in cooperation with the representatives of the Kentucky Children's Bureau.

Sec. 34. (1) No probation officer shall, without the consent of the county judge, divulge or communicate to any person other than the court, a member of the advisory board of the court, or a representative of the Kentucky Children's Bureau, any information obtained pursuant to the discharge of his duties, nor shall any record of the actions of the probation officer be made public except by leave of the county judge.

(2) This section shall relieve the probation officer from divulging such facts as a witness on the trial of any case, or the hearing of any proceeding, or the production of such records for use in any trial or proceeding.

Sec. 35. Unless the child is proceeded against in accordance with the law governing crimes as provided in paragraph (c) of subsection (2) of section 17 of this Act, the disposition of any child under the provisions of this Act, or any evidence given in the case, shall not be lawful evidence against the child for any purpose, except in subsequent cases involving the same child under this Act.

Sec. 36. For the purpose of paying salaries and expenses necessary to carry out the purposes of this Act, the fiscal court of any county may levy taxes and make appropriations, within constitutional limitations. The legislative body of any city also is authorized to appropriate funds to assist the county in carrying out the purposes of this Act, or to provide facilities for custody and care of children coming within the purview of this Act.

Sec. 37. In proceedings in the juvenile court, no court fees shall be charged against, and no witness fees shall be allowed to, any party to a petition. No public officer shall be

entitled to receive any fee for the service of process or for attendance in court in any such proceedings. All other persons acting under orders of the court may be paid, for service of process and attendance as witnesses, the fees provided by law for like services in civil cases in the circuit court, the payments to be made out of the county treasury.

Sec. 38. An appeal may be taken from the juvenile session of the county court as provided in section 362 of the Criminal Code of Practice.

Sec. 39. Any child placed on probation by a juvenile court, prior to the operative date of this Act, for a period of time extending beyond the operative date of this Act, shall for such period of time remain on probation and subject to the jurisdiction of the juvenile court in accordance with the provisions of this Act. Any proceeding pending in a juvenile court, or any criminal proceeding against a child pending in a circuit court, on the date this Act becomes operative, shall be carried to completion in accordance with the provisions of this Act.

Sec. 40. The Youth Authority shall be responsible for the operation, management and development of the existing state institutional facilities for the custodial care or reformation of children, including specifically the institutions now known as the Houses of Reform and the Kentucky Children's Home, but not including educational institutions or institutions designed primarily for the care or treatment of mentally or physically handicapped children. The Youth Authority shall further be responsible for the development of such additional institutional facilities and other specialized facilities, such as forestry camps, farms, or vocational training facilities, as are necessary to provide an adequate and modern program for the care, treatment and rehabilitation of children committed to the state under the juvenile court laws. The Youth Authority may select appropriate names by which the various institutions under its control shall be known.

Sec. 41. The Youth Authority shall arrange for a program of care, treatment and rehabilitation of the children committed to the Youth Authority, which program shall be designed to provide for classification, segregation and specialized treatment

of children according to their respective problems, needs and characteristics, and to provide a coordinated system of probation and parole services.

Sec. 42. The Youth Authority shall establish and operate a reception center for the observation, study and classification of children following their commitment to the Youth Authority. Children committed by reason of the commission of a public offense, and such other children committed to the Youth Authority as the Youth Authority believes will benefit therefrom, shall upon their commitment be placed in the reception center for a period of observation and study. The reception center shall be provided with adequate psychiatric, psychological, social service, and medical facilities. A case history for each child shall be prepared during his period of observation and study in the reception center. Upon the basis of study and observation in the reception center, the Youth Authority shall make a determination as to the character of treatment or disposition which should initially be provided for the child.

Sec. 43. (1) Any child committed to the Youth Authority may, by the Youth Authority, at any time during the period of his commitment, be:

(a) Discharged from commitment, unless he was committed by a circuit court upon a felony conviction and was given a sentence the period of which will extend beyond the age of 21.

(b) Placed on parole in the home of his parents, or in a suitable foster home, family home or boarding home, upon such conditions as the Youth Authority may prescribe and subject to visitation and supervision by a probation officer of the Youth Authority or a child welfare worker of the Division of Child Welfare.

(c) Placed in one of the institutions operated by the Youth Authority.

(d) Placed in a child-caring institution operated by a local governmental unit or by a private organization willing to receive the child, upon such conditions as the Youth Authority may prescribe.

(e) Disposed of as provided in section 46 or 47 of this Act.

(2) Unless the child has been discharged from commitment, and disposition of a child made under the section may at any time during the period of his commitment be changed and other disoposition made in accordance with the provisions of this section.

Sec. 44. The Kentucky Children's Bureau is authorized to expend available funds to provide for the board, lodging and care of children placed on probation by the Youth Authority in a family home or boarding home, or may arrange for payments or contributions by any local governmental unit, or public or private agency or organization, willing to make payments or contributions for such purpose. The Department of Welfare may accept, on behalf of the Kentucky Children's Bureau, any gift, devise or bequest made for any of the purposes of this Act.

Sec. 45. When any child committed to the Youth Authority requires medical or surgical care or treatment, the Youth Authority may provide the same or arrange for the furnishing thereof by other public or private agencies. For this purpose, the services and facilities of local health officers and departments shall be made available to the Youth Authority, and as far as practicable any publicly-owned hospital shall provide hospitalization without charge for any such child who is a resident of the political subdivision by which the hospital is owned or operated.

Sec. 46. If it appears that a child committed to the Youth Authority is mentally ill or defective, the Youth Authority may commit him, for a period of observation not to exceed 35 days, to a state mental hospital, or to the Kentucky Training Home, or to a public hospital having a psycopathic ward or facilities suitable for the observation of mental conditions. If it appears from such observation that the child requires treatment or hospitalization for mental illness or defect, the Youth Authority shall cause proceedings to be instituted under the statutes governing inquests concerning mental condition, and if the child is committed to a mental hospital or to the Kentucky Training Home he shall automatically be discharged from his commitment to the Youth Authority.

Sec. 47. If it appears to the Youth Authority that a child

committed to it by reason of the commission of a public offense constituting a felony, is incapable of benefitting from treatment by the facilities of the Youth Authority, the child shall be returned by the Youth Authority to the circuit court of the county in which the offense was committed, for appropriate proceedings. If the child originally was committed to the Youth Authority by such circuit court, following a conviction of the felony upon a trial in the circuit court, the court shall commit the child to the state penitentiary for the duration of the sentence fixed by the verdict, allowing credit for such period of time as the child was in custody of the Youth Authority. Otherwise, the circuit court shall proceed the same as if the child was an adult under arrest on a felony charge, and in the event the child is convicted and sentenced on the felony charge, credit shall be allowed on the sentence for the period of time the child was in the custody of the Youth Authority.

Sec. 48. Any child committed to the House of Reform prior to the operative date of this Act shall be deemed to have been committed to the Youth Authority, and until such child reaches the age of 21 he may be disposed of by the Youth Authority as is provided in this Act. Any child committed to the Kentucky Children's Home or to the Division of Child Welfare prior to the operative date of this Act shall, for the duration of the period for which he was committed, be deemed to have been committed to the Youth Authority, and may be disposed of by the Youth Authority as provided in this Act.

Sec. 49. Any child under 16 years of age who, upon the operative date of this Act, is confined in the state reformatory or penitentiary under a sentence for a felony, may, by order of the Commissioner of Welfare, be transferred to the custody and jurisdiction of the Youth Authority, in which event the Youth Authority, for such period of the sentence as will not extend beyond the age of 21, shall exercise such powers and duties with respect to the child as it would exercise had the child been committed to the Youth Authority by a court.

Sec. 50. The Division of Probation and Parole of the Department of Welfare shall have no responsibility or authority with respect to children placed on parole by the Youth Authority,

except that the Division, upon request of the Youth Authority, shall continue to exercise parole supervision and authority over any child released on parole from the House of Reform prior to the operative date of this Act.

Sec. 51. Any child committed to the Youth Authority who is placed on parole by the Authority and who violates the terms or conditions of parole may be apprehended and returned to active custody of the Youth Authority by any probation officer of the Youth Authority or by any peace officer on direction of the Youth Authority.

Sec. 52. (1) The institutional facilities under the control of the Youth Authority shall be designed and operated in such a manner as to rehabilitate, train, develop and educate the children to become good citizens and useful members of society.

(2) Suitable programs of vocational education and training shall be carried on in the institutions, with the view of preparing the children for future self-support.

(3) The children in each institution shall be employed so far as practicable in labor incident to the maintenance and operation of the institution, and in suitable industries conducted by the institutions as a part of the vocational training program.

(4) The superintendent or managing officer of each institution may use, for the maintenance of the institution, the products of farms, dairies and other departments and industries of the institution, or may sell or exchange such products for the benefit of the institution.

Sec. 53. Children maintained in any of the institutional facilities operated by the Youth Authority shall so far as possible receive a common school education. The Youth Authority shall provide supplemental or special educational programs for those children requiring segregation, restraint or specialized treatment. The Department of Education, to the extent of available facilities, shall assist and cooperate with the Youth Authority in the educational programs for the institutions.

Sec. 54. Any peace officer who conveys a child from the committing court or from the detention facility of the committing court to an institution or facility operated by the Youth Authority

shall be allowed 10 cents per mile, calculated by the nearest traveled route, and shall be paid for all necessary expenses for feeding, lodging and transporting the child. The officer shall make out a full account of all expenses so incurred by him and give the distance traveled. The account shall be verified by the officer upon oath before the county court and certified by the county clerk to the Youth Authority, for payment out of funds appropriated for the purpose.

Sec. 55. Acquisition of lands and buildings for the Youth Authority shall be in accordance with the provisions of KRS 56.440 to 56.550.

Sec. 56. (1) There is hereby created an agency of the state government to be known as the Youth Authority, which shall consist of a director and a governing board, and such probation officers, institutional staffs and other personnel as are necessary for the performance of the duties of the agency.

(2) The director of the Youth Authority shall be appointed by the Commissioner of Welfare, with the prior written approval of the Governor, and shall serve at the pleasure of the Commissioner of Welfare. He shall receive a salary to be fixed by the Commissioner of Welfare in accordance with the statutes governing the fixing of salaries of state officers and employes. The director shall be selected on the basis of professional training, experience and demonstrated ability in the field of youth guidance and the treatment and rehabilitation of children committed to public care and custody.

(3) The governing board of the Youth Authority shall consist of the Commissioner of Welfare, ex officio, and five appointed members, who shall be appointed by the Governor for terms of four years and until their successors are appointed and have qualified, except that of the first members appointed, one shall be appointed for one year, one for two years, one for three years and two for four years. Vacancies shall be filled by appointment by the Governor for the unexpired term. Each appointed member shall receive a per diem of $25, and his actual and necessary traveling expenses, when engaged in official business of the board. The appointed members of the board shall be chosen from among persons having professional qualifications in such

fields as the social sciences, psychology, medicine, law, education and religion, and the appointments shall be so made as to provide a diversified representation of such fields. The board shall select its own chairman, from year to year.

Sec. 57. The director of the Youth Authority shall be the executive officer of the Youth Authority and shall be responsible for the administration of the functions of the Authority, in accordance with policies established by the governing board of the Authority. The director also shall serve as secretary of the governing board. Administrative personnel of the Authority shall be appointed by the director with the approval of the governing board.

Sec. 58. The governing board of the Youth Authority shall determine the policies to be followed in carrying out the functions of the Authority, and shall be responsible for reviewing the operations of the Authority. The disposition authorized by law to be made by the Youth Authority, of children committed to it, shall be made in accordance with the general policies established by the governing board. The governing board shall review, at least annually, the case of each child committed to the Authority, so long as the child remains under the jurisdiction of the Authority.

Sec. 59. The Youth Authority shall constitute an administrative division of government within the Kentucky Children's Bureau, which is hereby established within the Department of Welfare. The bureau shall be headed by an executive director, to be appointed by the Commissioner of Welfare with the prior written approval of the Governor. The executive director shall be responsible for carrying out the duties imposed upon the bureau by this Act, and for integrating and coordinating the functions of the administrative units within the bureau.

Sec. 60. (1) Any person who violates section 12 of this Act shall be fined not less than $100 nor more than $500, or imprisoned in the county jail for not more than 30 days, or both.

(2) Any person who transports or causes or permits a female child to be transported in violation of subsection (1) of section 26 of this Act shall be fined not less than $100 nor more than $500.

(3) Any person who violates subsection (2) of section 26 of this Act shall be fined not more than $100.

Sec. 61. Sections 198.010 to 198.060, section 198.080, sections 198.090, 198.110, 199.010, 199.020 to 199.310 (including 199.131), and subsection (1) of section 199.990, of the Kentucky Revised Statutes, are repealed.

Sec. 62. (1) There hereby is appropriated, out of the General Expenditure Fund in the State Treasury, to the Kentucky Children's Bureau in the Department of Welfare, the following sums for the designated fiscal years:

1952-1953 ----------$56,500
(This includes, subject to the provisions of KRS 45.160, $14,000 for salaries of Directors, $2,500 for per diem and travel of Youth Authority Board, $25,000 for reception center, and $15,000 to replace county payments for care of children in Greendale)

1953-1954 ----------$101,500
(This includes, subject to the provisions of KRS 45.160, $14,000 for salaries of Directors, $2,500 for per diem and travel of Youth Authority Board, $70,000 for reception center, and $15,000 to replace county payments for care of children in Greendale)

(2) Any appropriations made by the General Assembly for expenses of administration of the office of the Commissioner of Welfare and the Division of Fiscal Control in the Department of Welfare, for the fiscal years 1952-1953 and 1953-1954, shall also be available during those years for payment of administrative expenses of the Kentucky Children's Bureau and the Youth Authority.

(3) Any appropriation made by the General Assembly for operation of the Kentucky Children's Home for the fiscal years 1952-1953 and 1953-1954 shall be deemed to have been appropriated, for such purpose, to the Youth Authority.

(4) Out of the moneys appropriated by the General Assembly to the Division of Corrections in the Department of Welfare, for the fiscal years 1952-1953 and 1953-1954, there shall

be deemed to have been appropriated to the Youth Authority, for operation of the Houses of Reform, the sum of $447,000 for the 1952-1953 fiscal year and the sum of $472,200 for the 1953-1954 fiscal year.

(5) Any revolving, trust or agency fund accounts appropriated or authorized for the Kentucky Children's Home or the Houses of Reform shall continue in existence during the fiscal years 1952-1953 and 1953-1954, to be administered by the Youth Authority.

Sec. 63. This Act shall not become operative until January 1, 1953, except to the extent that the Act provides for the administrative organization of the Youth Authority and the Kentucky Children's Bureau, authorizes a reception center and other facilities to be established, and provides funds for such purposes. To that extent this Act shall take effect on July 1, 1952, in order to enable the administrative organization and necessary facilities to be established preliminary to operations under this Act.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 158. AN ACT relating to mines and minerals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. . Section 351.010 of the Ky. Revised Statutes is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Approved" means a device, apparatus, equipment, machinery or practice approved by the Chief of the Department of Mines and Minerals.

(b) "Chief" means Chief of the Department of Mines and Minerals.

(c) "Commercial mine" means any coal mine from which coal is mined for sale or exchange.

(d) "Department" means the Department of Mines and Minerals.

(e) "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal.

(f) "Gaseous mine" means a mine in which the percentage of explosive gas exceeds one-fourth of one percent at the return of any one split.

(g) "Gassy mine" means a mine in which methane has been detected by a flame safety lamp or one in which there is a record of methane having been ignited.

(h) "Mine" means any open pit or any underground workings from which coal is produced for sale, exchange or commercial use, and all shafts, slopes, drifts or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with such workings. Workings that are adjacent to each other and under the same management and which are administered as distinct units shall be considered a separate mine.

(i) "Mine foreman" means the person whom the operator or superintendent places in charge of the workings of the mine and of persons employed therein.

(j) "Nongaseous mine" means any mine not classified as a gassy or a gaseous mine.

(k) "Open-pit mine" shall include open excavations, prospect openings, and open-cut workings for the extraction of coal.

(l) "Operator" means an individual, firm or corporation operating a coal mine or any part thereof.

(m) "Pure intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than twenty percent oxygen nor more than one-half of one percent

of carbon dioxide, nor any dangerous quantities of flammable gas nor any harmful amounts of poisonous gas or dust.

(n) "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible or pillared workings.

(o) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal or materials.

(p) "Slope" means an inclined opening used for the same purpose as a shaft.

(q) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.

Section 2. Section 351.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any party in interest dissatisfied with an order of the department may commence an equitable action against the department and other interested parties as defendants, to vacate or set aside, in whole or in part, any such order. The action may be brought in the circuit court of the county where the subject matter involved in the order, or the well or workable coal bed or part thereof, is located. The court may grant relief from any unlawful or unreasonable order of the department, and render such judgment as appears to it to be equitable and just.

(2) The pendency of the action shall not of itself suspend the operation of the order of the department, but during the pendency of the action any party may secure from the court an order suspending or staying the operation of the order of the department pending the action by giving to the other parties adequate security, approved by the court, against loss due to the delay in enforcement of the order, in case the order under review is not set aside, and the court may, without security being given, suspend the operation of the order, in whole or in part, on such

terms as it deems just and in accordance with the practice of courts of equity; provided, however, that the operation of an order pertaining to safety in coal mines shall not be suspended temporarily pending final decision of the court.

(3) Appeals may be taken to the Court of Appeals as in other cases.

Section 3. Section 351.050 of the Kentucky Revised Statutes is amended to read as follows:

On July 13 of every fourth year, beginning with 1934, the Governor shall appoint a Chief of the Department of Mines and Minerals for a term of four years. The oath taken by the chief of the department shall be in writing and certified by the officer administering it, and the oath and certificate shall be filed in the office of the Secretary of State. The chief shall receive a salary of seventy-five hundred dollars per annum, payable monthly, and shall be paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties. The provisions of KRS 64.640 shall not apply to the salary of the Chief of the Department of Mines and Minerals.

Section 4. Section 351.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Chief of the Department of Mines and Minerals shall have full authority over the department and shall superintend and direct the activities of the district mine inspectors and other personnel of the department.

(2) He may, whenever necessary, divide the coal fields of the state into as many inspection districts as there are district mine inspectors, so as to equalize as nearly as practicable the work of each inspector, and may assign to the inspectors their respective districts.

(3) He may, whenever he deems it necessary in the interest of efficient supervision of the mines, temporarily employ the services of additional mine inspectors or change inspectors from one district to another.

(4) He shall superintend and direct the inspection of mines

and cause to be investigated the character and quality of air in mines whenever conditions indicate the necessity of doing so.

(5) He shall collect statistics relating to coal mining in the state and make an annual report of such statistics.

(6) He shall see that maps, plans, projections and proposed developments of all coal mines are made and filed in his office.

(7) He shall keep a properly indexed, permanent record of all inspections made by himself and the personnel of the department.

(8) He shall exercise general supervision over the training of officials and workmen in safety and first aid and mine rescue methods and may conduct demonstrations in safety whenever he deems it advisable.

(9) He shall exercise general supervision over the dissemination of information among officials and employes concerning mine ventilation, mining methods and mine accidents and their prevention, and shall assume full charge in the event of mine fire or explosion or other serious accident at any mine in the state.

(10) He may assist in the resumption of operations of any mine or gather data for the development of any coal seams that would be of any benefit to the state or create new employment.

(11) The chief of the department may prescribe reasonable safety standards governing the operation of open-pit or surface mines.

Section 5. Section 351.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Adequate offices shall be furnished the Department of Mines and Minerals in the Mineral Industries Building of the University of Kentucky at Lexington, and its main office shall be located there. The department shall have access to the facilities of the Mining Laboratory and the Kentucky Geological Survey.

(2) The offices of the district mine inspectors shall be at

such places within their respective districts as the chief of the department designates, and each district mine inspector shall be provided with a suitable office.

Section 6. Section 351.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor shall appoint an adequate number of district mine inspectors to insure at least four inspections annually, provided the mine is in operation the entire year or the proportionate thereof, of all the mines in the state. One or more of the appointees shall be designated as electrical mine inspectors. The Governor shall also appoint and adequate number of inspectors of mine weights. The term of office of each district mine inspector and each inspector of mine weights shall be during the period of capable, efficient service and good behavior.

(2) All district mine inspectors and inspectors of mine weights shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, and shall possess thoroughly the knowledge required of the chief of the department by KRS 351.060, and shall have a thorough practical knowledge of mining gained by at least ten years' experience in and about coal mines, at least five of which must have been in and about mines in this state.

(3) No person shall be appointed to the office of district mine inspector until he has passed a satisfactory examination before the Board of Examiners. The Chief of the Department of Mines and Minerals may recommend to the Governor applicants for district mine inspector who have successfully passed the examination and are proved by worth, training and experience to be the most competent of the applicants.

(4) District mine inspectors and inspectors of mine weights shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine.

(5) Each district mine inspector, electrical inspector, and inspector of mine weights shall receive such salary as may be fixed pursuant to the provisions of KRS 64.640.

(6) Each district mine inspector and inspector of mine weights shall take oath, which shall be certified by the officer administering it. The oath, in writing, and the certificate, shall be filed in the office of the Secretary of State.

(7) Each district mine inspector and inspector of mine weights shall give bond with surety approved by the Governor.

Section 7. Section 351.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board of Examiners for the certification of district mine inspectors, mine foremen and fire bosses shall consist of the following members:

(a) The Chief of the Department of Mines and Minerals;

(b) Any two district inspectors, the selection of whom is optional with the chief, who may select them alternately or otherwise;

(c) One miner holding a mine foreman's certificate of the first class who has had at least seven years of practical experience in the mining of coal, four years of which have been in the mines of this state, and who is actually employed in mining coal at the time of appointment; and

(d) One operator who at the time of his appointment is actually engaged in operating a coal mine in this state.

(2) Each member of the board except the chief shall be recommended by the chief and appointed by the Governor for a term of four years.

(3) The type of examinations given for inspectors, foremen and fire bosses shall be determined by the board. The examinations shall be conducted by an examiner or examiners approved by the board.

(4) The Chief of the Department of Mines and Minerals shall be chairman of the board and whenever it is necessary for him to be absent from any meeting of the board he may designate any other member to preside during his absence. A majority of the members shall constitute a quorum, with authority to

transact business, hold examinations and issue certificates. The chairman shall keep a record of all proceedings of the board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

(5) The operator and miner members of the board shall receive twenty dollars per day plus the necessary travel and other necessary expenses incurred while in the performance of their official duties.

(6) All money paid to the State Treasurer for licenses and fees required by this Act shall be for the sole use of the Department of Mines and Minerals and shall be in addition to any monies appropriated by the General Assembly for the use of the department.

Section 8. Section 351.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board of Examiners shall not admit any applicant to take an examination given by it until the applicant has presented to the examiner at the time of registration for the examination a post office money order in the amount of five dollars. The money order shall be made payable to the State Treasurer, Frankfort, Kentucky.

(2) The board may refuse to examine any applicant who cannot readily understand the written English language or cannot express himself intelligently in English, or who is obviously intoxicated.

Section 9. Section 351.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board of Examiners shall issue a certificate to each person who possesses the qualifications required by law for district mine inspector, mine foreman or fire boss, who has passed the examination given by direction of the board for that position and meets the requirements of subsection (6) of this section.

(2) The certificate shall be in such form as the chief of the department prescribes, shall be signed by the members of the Board of Examiners, and shall show that the holder has

passed the required examination and possesses the qualifications required by law for district mine inspector, mine foreman or fire boss, and is authorized to act as such.

(3) Certificates issued to mine foreman, assistant mine foreman and fire bosses shall be classified as follows:

(a) First-class certificates, authorizing the holder to act as foreman for all classes of coal mines;

(b) Second-class certificates, authorizing the holder to act as foreman for any nongaseous coal mine;

(c) Assistant mine foreman certificates, authorizing the holder to act as assistant foreman. Upon the completion of five years' mining experience evidenced by acceptable affidavits, the holder may apply to the board for a foreman's certificate of the same classification.

(d) Fire boss certificates, authorizing the holder to act as fire boss in any mine.

(4) Any mine foreman holding a certificate of the first class may act as fire boss, and any regularly employed fire boss may act in an emergency as a mine foreman holding a first-class certificate.

(5) The class of mine foreman's certificate awarded shall be determined by the Board of Examiners according to the nature of the examination taken by the applicant.

(6) No certificate shall be granted to any person who does not present to the Board of Examiners satisfactory evidence, in the form of affidavits made by well known and responsible persons in the locality from which he came, that the applicant is a man of sobriety and good moral character, and that he has had at least five years' practical experience at and in coal mines, or to any person who is not either a bona fide resident of this state or employed at a mine in this state. A degree in Mining Engineering from a recognized institution of learning may be taken as the equivalent of two years of mining experience. A minimum of three years' underground experience is required of applicants for assistant mine foremen and fire boss certificates.

(7) Persons possessing certificates of qualifications to act as district mine inspector, mine foreman or fire boss prior to this Act are not affected by this section, and assistant foremen are allowed one year from the effective date of this Act to comply with its provisions pertaining to certifications.

Section 10. Section 351.130 of the Kentucky Revised Statutes is amended to read as follows:

If any district mine inspector, mine foreman, assistant mine foreman, or fire boss misplaces his certificate or it is destroyed, he shall apply to the Chief of the Department of Mines and Minerals for a duplicate certificate, including with his application an affidavit stating in full how the certificate was destroyed or misplaced, and if the chief deems it proper he shall furnish the district mine inspector, mine foreman, assistant mine foreman or fire boss with a duplicate certificate. Any person applying for a duplicate certificate shall pay a fee of two dollars to the State Treasurer.

Section 11. Section 351.140 of the Kentucky Revised Statutes is amended to read as follows:

Each mine inspector shall give his entire time and attention to the duties of his office, which shall consist of the following:

(1) Inspecting coal mines and aiding under the direction of the chief of the department in carrying out and enforcing the provisions of the laws relating to the inspection of coal mines;

(2) Training officials and workmen in and about the mines in first aid and mine rescue methods;

(3) Advising officials and workmen in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions;

(4) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district, and the chief is not present, and assisting in such work in other districts when so directed by the chief;

(5) Reopening mines or portions of mines that have been

sealed on account of fire or any other cause, when directed by the chief to do so; and

(6) Inspecting each mine in his district at least once every three months, or oftener if practicable and if funds permit, and, whenever any danger to the workmen may exist, making a personal examination of the interior of each mine with respect to ventilation, drainage, timbering, blasting, electricity and general security, and also a personal examination of the outside of the mine.

Section 12. Section 351.170 of the Kentucky Revised Statutes is amended to read as follows:

The owner, lessee, or superintendent of each commercial coal mine shall give at the end of each month and at the end of each calendar year accurate information, on blanks furnished by the chief of the department, as to the number of accidents that have occurred, the number of persons employed, the tons of coal mined and any other related information that the chief requests.

Section 13. Section 351.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The inspectors of mine weights may inspect and test all scales, except railroad scales, used in connection with any commercial coal mine in this state, and shall determine their mechanical condition and accuracy. Each coal operator or superintendent shall render such assistance to the inspector of mine weights as may be necessary in conveying and handling the weights and other appliances that are needed for the proper inspecting and testing of scales. The inspector of mine weights shall leave a written record with the mine operator or superintendent as to the condition of the scales inspected and shall post in the weight office a record of the inspection of the scales. If upon inspecting and testing any mine scale the inspector deems it necessary that the scale have any parts replaced, or that the scale be reconditioned or the foundation or building repaired or renewed, the operator or superintendent shall immediately comply with his recommendations.

(2) Each operator shall pay a fee of fifteen dollars, to the

department, by check or money order made payable to the State Treasurer, for each mine scale inspection.

Section 14. Within forty-five days after January 1, 1953, and of each year thereafter, the owner, operator, or lessee of each mine shall procure from the Department of Mines and Minerals a license to operate such a mine, and such license shall not be transferable. Any owner, operator, or lessee who assumes control of a mine, opens a new mine, or re-opens an abandoned mine during any calendar year shall procure such license before mining operations are begun.

The license shall be in such form as the chief may prescribe and when issued shall be kept posted at a conspicuous place near the main entrance of the mine.

Requests for such license shall be made to the Department of Mines and Minerals, and such requests shall be accompanied by a post office money order or cashiers check drawn in favor of the State Treasurer in the amount of fifteen dollars for each mine. The chief or his accredited agent may refuse to issue said license until the annual report of the operator and the annual mine map, as required by this Act, are properly submitted to the department. The chief or his accredited agents shall have the authority to extend the time for the filing of the map.

Any owner, operator, or lessee who fails to obtain his license as required by this section shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars nor more than two hundred dollars at the discretion of the court. Each day the mine is operated without a license constitutes a separate offense.

Section 15. Section 352.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The ventilation of all coal mines shall be produced by means of mechanically operated fans located outside the mine and offset at least fifteen feet to one side of the opening, equipped with explosion doors or weak walls and arranged so that ventilating current may be reversed if necessary. In gaseous mines the main fan shall be operated from a power circuit independent from the mine circuit. If inside fans are required to ventilate working places on longwall or modern systems of mining the

Chief of the Department of Mines and Minerals must first approve the installation.

(2) The operator, superintendent or foreman of every coal mine worked by shaft, slope or drift shall provide and maintain for every mine adequate ventilation affording at least one hundred cubic feet of air per minute for each person employed in the mine and at least two hundred cubic feet of air per minute or each animal working in the mine, unless the mine liberates explosive quantities of gas, in which case he shall provide at least one hundred fifty cubic feet of air per minute for each person and three hundred cubic feet of air per minute for each animal, and as much more air as the district inspector deems necessary. At least six thousand cubic feet of air per minute shall be circulated around the main headings, cross headings, room headings, and sufficient air shall be directed to the working faces to such an extent as to dilute, render harmless and carry off any noxious or dangerous gases. In pillar workings at least six thousand cubic feet of air per minute must be delivered to the beginning of the pillar line.

(3) When the air from a split has passed through and has ventilated all of the working places in an air split of a mine it shall then be designated as return air.

(4) As working places advance, breakthroughs for air shall be made sixty feet apart, except where it is now permitted, with the approval of the district mine inspector and the chief of the department, to drive to ninety feet before making breakthroughs, and except that where longwall or modern systems of mining are used the chief may approve a greater distance between breakthroughs or the method of ventilating such longwall or modern systems of mining. If any breakthroughs between intake and return airways are not required for the passage of air, they shall be closed with stoppings. All stoppings shall be substantially built with suitable material subject to the approval of the district mine inspector so as to keep the working places well ventilated. Doors on the main haulways shall be avoided in gaseous mines where practicable, and overcasts, built of concrete or other suitable material and of ample strength, shall be

adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so as to close automatically when unobstructed.

(5) After the effective date of this Act in developing entries where rubber belt conveyors are to be installed, with the exception of rubber belt conveyors in slopes, it is required that not less than three parallel entries be driven and that breakthroughs be driven on both sides of the entry to be used as a belt entry with permanent stoppings to be erected in each breakthrough driven between the belt entry and return entry. Stoppings shall be erected in each breakthrough driven between the belt entry and the other intake entry with mandoors placed in line of stoppings not farther than five hundred feet apart. One entry on the intake side of the belt entry shall be maintained as a travelway and the entry or entries in one side of the belt entry shall be ventilated by intake air; on the other side by return air. A regulator shall be placed on the belt entry to reduce the volume of air traveling in this entry to a minimum required for effective ventilation of the entries and the air ventilating the belt entry shall be carried directly to the return before it reaches the working faces of the mine.

(6) The preceding provisions as pertain to the use of rubber belt conveyors shall apply only to installations which are made after the effective date of this Act, and if any operator is unable to comply with these provisions the department may prescribe the conditions under which the new installation shall be made.

(7) In a mine where methane is liberated and can be found to an extent of one-half of one percent or more, by analysis, on the return of any one split, the district inspector with the approval of the chief may require the mine to be ventilated by the exhaust system, requiring the haulage roads and all trolley and feed wires to be located on the intake air and the electrical system to be so arranged that no wires carrying electrical current shall be on return air.

Section 16. Section 352.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) As many as sixty persons may work in the same air current or split, and with the approval of the district mine inspector and the chief of the department as many as eighty persons may work in the same air current. Every mine, and all portions thereof, shall be ventilated by one or more currents of air, which shall contain not less than twenty percent of oxygen, nor more than one-half percent of carbon dioxide, nor any dangerous quantities of inflammable gas, nor any harmful amount of poisonous, gases or dust, when the current of air enters into each split. In any event, the ventilation shall be sufficient to prevent methane accumulations, so far as practicable, and to keep the methane percentage in the return of any split to not more than one-half percent in a dusty mine and not more than three-fourths percent in a nondusty mine.

(2) The ventilating current shall be circulated through the haulageways, travelways and airways so as to reach all portions of the mine, except sealed sections; and it shall be circulated through the entries and rooms around the ends of line brattice and along pillar lines. It shall be conducted to the last breakthrough, or to the working faces if required, by means of such stoppings, check doors, curtains and brattice as may be necessary or required, in order to dilute, render harmless and carry away the noxious and dangerous gases, smoke and dust liberated therein, and to supply a sufficient quantity of ventilation for all emergencies.

(3) When mine ventilation, formerly satisfactory and adequate, becomes deficient in quality or quantity, the Department of Mines and Minerals shall have authority to order improvement of the ventilation.

(4) No operator, superintendent or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the places of employment safe in compliance with the requirements of this chapter, and while repair work necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually employed in doing the repair work. Such repair work shall be

done under the constant supervision of an official designated by the mine foreman.

(5) If any accident occurs to the ventilating fan or its machinery, so that the ventilation of the mine will be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine, and shall not allow them to return until the ventilation has been restored and the mine thoroughly examined by him or by an assistant mine foreman or fire boss and reported safe.

Section 17. Section 352.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The use of machinery powered by an internal combustion engine or motor in any coal mine within this Commonwealth is hereby prohibited, provided that the chief may if he is satisfied that it will not be injurious to the health or the safety of the employes authorize the use of diesel powered machinery under such reasonable general or special ruling and regulations as he may from time to time promulgate.

(2) No steam locomotive shall be used in any mine unless it is approved in writing by the chief of the department.

(3) No operator, superintendent, or mine foreman shall provide a horse or mule stable inside any mine, unless it is approved in writing by the chief of the department.

Section 18. Section 352.060 of the Kentucky Revised Statutes is amended to read as follows:

The following rules shall govern in the rock-dusting of mines:

(1) All dry mines, or parts of mines, or sections thereof, shall be rock-dusted if conditions are found to be dusty or hazardous, after proper inspection. In event such conditions are found to exist then the chief or his accredited representative shall require the necessary rock-dusting to make the mine, part of mine or section safe.

(2) In all mines, accumulations of fine dry coal dust shall, as far as practicable, be removed from the mine, and all dry and dusty operating sections kept thoroughly watered or rock-dusted, or the dust allayed by other methods approved by the chief of the department; but in every dusty mine, or in any part or section thereof, rock-dusting shall be applied to maintain at all times a minimum percentage of sixty-five percent of noncombustible matter to within forty feet of the faces, and under certain conditions the department may require that places be rock-dusted to the faces. The term "dusty mine" shall not include a wet or damp mine; but the provisions hereof relating to rock-dusting shall apply to any dusty part or section of a wet or damp mine.

Section 19. Section 352.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) All unused workings and abandoned parts of mines must be protected by such safeguards as will prevent, so far as practicable, the accumulation or overflow of gas, and all avenues leading thereto shall be so arranged and conducted as to give warning to all persons of the danger of entering, and notice shall be posted warning all unauthorized persons not to enter such parts of the mine.

(2) No person, except persons authorized to make examination thereof, shall enter any unused or abandoned part of a mine after such warning has been posted.

(3) Where the practice is to seal abandoned workings, the sealing shall be done in an effective manner with noncombustible material. In every sealed area, one or more of the seals shall be fitted with a pipe and cap or valve to permit the gases behind the seals to be sampled and also to provide a means of determining any existing hydrostatic pressure. When required by the chief, drill holes shall be extended from the surface to the sealed area, or vent pipes shall be extended from the sealed area to a return air course. Any owner, operator, or lessee who fails to comply with this subsection shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars nor more than two hundred dollars at the discretion of the court. Each day the

mine is operated in violation of this subsection constitutes a separate offense.

Section 20. Section 352.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) No operator, superintendent, or mine foreman of any coal mine shall permit persons to work therein unless there are to every seam of coal worked in the mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth if the mine is worked by shaft or slope, and separated by natural strata of not less than fifty feet in breadth if the mine is worked by drift, by which outlets distinct means of ingress and egress are readily available to persons employed in the mine, but it shall not be necessary for the two outlets to belong to the same mine. This subsection does not apply to the openings of a new entry that is being worked for the purpose of making connection between the two outlets so long as not more than twenty persons are employed at one time in making the connection or driving the second opening, or to any mine in which the second opening has been rendered unavailable by reason of final robbing or removal of pillars so long as not more than twenty persons are employed therein at one time.

(2) If any coal mine has but one means of ingress and egress for persons employed therein, and the owner does not own suitable ground for another opening, the owner may select appropriate adjacent ground for that purpose and have it condemned, by proceedings similar to those allowed for securing a private passway, in the county court of the county where the mine is situated.

Section 21. Section 352.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) At every mine operated by shaft, there shall be an approved safety catch, and on all cages used for lowering and hoisting persons there shall be a sufficient and substantial overhead cover. At the top of each shaft a safety gate shall be provided. An adequate brake, so adjusted that it may be operated by the engineer without leaving his post at the levers, shall be attached to every drum or equivalent machine used for lowering

or raising persons at any shaft or slope, and in connection with the hoisting engine an efficient indicator or dial, which will show the engineer the positions of the cages in the shaft at any time, shall be used. Approved means for signaling to the bottom man, the top man and the engineer shall be provided, and all shafts used for lowering or hoisting men shall be equipped with metal tubes or pipes or with telephones, through which conversations may be freely held between persons at the bottom and top landings.

(2) No cages or incline cars on which men are riding shall be lifted or lowered at a rate of speed greater than six hundred feet per minute.

(3) The hoisting rope, the safety catches and the cage attachments shall be examined by the mine foreman, or by some competent person designated by him, every morning before the men descend into the mine, and care shall be taken to keep them in good working condition at all times.

(4) No person shall ride on any cage when coal, slate or similar material is being raised.

(5) No person shall enter a cage at the bottom to be raised to the top during the running hours of the mine, or when leaving work at the close of the day's run, without first being authorized by the bottom man or cager to do so, the bottom man or cager having first signaled to the engineer that men are to be raised.

(6) At every underground landing where persons enter or leave the cage and where persons must pass from one side of the shaft to the other there shall be a passageway not less than three feet wide and of suitable height, kept free from obstruction and as dry as possible, around the shaft; and all employes when passing from one side of the shaft to the other side shall use the passageway only.

(7) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men take or leave the cage is obscured by steam or otherwise, there shall be maintained at each landing a light sufficient to show the landing and objects in immediate proximity thereto, and as long as men are underground a good light shall be maintained at the

bottom of the shaft, so that persons coming to the bottom may discern the cage and objects in the vicinity thereof.

(8) Hoisting ropes on all cages or trips shall be adequate in size to handle the load and have a proper factor of safety. Ropes used to hoist or lower coal and other materials shall have a factor of safety of not less than five to one; ropes used to hoist or lower men shall have a factor of safety of not less than ten to one. The rope shall be replaced as soon as there is evidence of possible failure.

(9) Any rope attached to a cage, man-car, or trip used for hoisting or lowering men shall be provided with two bridle chains or cables connected securely to the rope at least three feet above the socket or thimble and to the crosspiece of the cage or to the man-car or trip.

Section 22. Section 352.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) On single-track haulage roads in mines, which the persons employed in the mine must use while performing their work or while traveling on foot to and from their work, there shall be places of refuge on one side not less than three feet in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart, where haulage is done by machines, and not less than thirty inches in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart, where haulage is done by draft animals.

(2) Special places of refuge are not required on haulage roads on which room necks or breakthroughs occur at regular intervals not exceeding sixty feet, and thus furnish places of refuge, or on haulage roads in which the track is so laid as to give a minimum clearance on one side of not less than thirty inches from the side of any haulage engine or any mine car, the clearance to be on the side of the road opposite that upon which electric wires are strung, if electric wires are strung in the road.

(3) No person shall travel on foot to or from work upon any slope used for haulage or upon any haulage road when other roads in proper condition for travel are available.

(4) On all main haulage roads where hauling is done by machinery the mine foreman shall provide a proper system of signals, and a conspicuous light on the front and the rear of every trip or train of cars when in motion in the mine.

(5) Man-trips shall be operated at safe speeds consistent with the condition of roads and type of equipment used and shall be so controlled that they can be stopped within the limits of visibility, in no event at a speed in excess of twelve miles per hour.

(6) Each man-trip shall be under the charge of a certified official, and it shall be operated independently of any loaded trip of coal or other material.

(7) Cars on the man-trip shall not be overloaded, and sufficient cars in good mechanical condition shall be provided.

(8) No person shall ride under the trolley wire unless suitably covered man-cars are used.

(9) No material or tools shall be transported in the same car with men on any man-trip and all persons shall ride inside of man-trip cars, except the motorman and brakeman or trip rider.

(10) Men shall not load or unload before the cars in which they are to ride or are riding come to a full stop, and men shall proceed in an orderly manner to and from man-trips.

(11) A waiting station shall be provided where men are required to wait for man-trips or man-cages. It shall have sufficient room, ample clearance from moving equipment, and adequate seating facilities.

(12) Trolley and power wires shall be guarded effectively at man-trip stations where there is a possibility of any person coming in contact with energized electric wiring while loading or unloading from the man-trip.

(13) Cars used for transporting men on slopes shall be equipped with a safety device capable of stopping the trip in

event of failure of the rope or couplings. Such device shall be approved by the chief of the department.

(14) Where belts are used for transporting men, a minimum clearance of eighteen inches shall be maintained between the belt and the roof or cross bars, projecting equipment, cap pieces, overhead cables, wiring, and other objects; but where the height of the coal bed permits, the clearance shall not be less than twenty-four inches.

(15) The belt speed shall not exceed two hundred fifty feet a minute while men are being transported, provided the chief may permit belt speeds to be increased or decreased when conditions warrant, and such belt shall be stopped while men are are boarding or leaving.

(16) The space between men riding on a belt line shall be not less than six feet.

(17) Loading and unloading stations shall be illuminated properly.

(18) A certified official or some other competent person appointed by the mine foreman shall supervise the loading and unloading of belts and man-trips.

(19) The chief of the department shall be empowered to draft additional rules and regulations providing for transportation of men when necessary.

Section 23. Section 352.160 of the Kentucky Revised Statutes is amended to read as follows:

In any mine that is not a gaseous mine but in which explosive gas can be detected by means of a flame safety lamp or where there is a known history of a gas ignition, it shall be designated as a gassy mine. The operator or superintendent shall employ first class mine foreman, first class assistant mine foremen, fire bosses or other qualified persons to carry out the requirements of this Act.

Section 24. Section 352.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) In any mine or section of a mine liberating explosive gas that might endanger the lives of persons employed in the mine the district mine inspector or, with the approval of the Chief of the department, may direct the operator or superintendent of the mine to work the mine exclusively by the use of approved safety lamps and approved electric lamps, and the operator or superintendent of the mine shall immediately carry out the directions when so approved.

(2) In mines where flame safety lamps and approved electric lamps are required to be used the lamps shall be in charge of some person designated by the operator or superintendent. Two flame safety lamps shall be kept at every coal mine whether the mine liberates explosive gas or not, if the district mine inspector and the chief deem it desirable. All mine foremen and fire bosses employed in gaseous mines shall, at all times, carry an approved flame safety lamp for the purpose of detecting the presence of explosive gas, the lamp to be kept lighted at all times when in use inside the mine.

(3) No person shall at any time carry into any mine any intoxicants and if the mine is worked by approved safety lamps and approved electric lamps no person shall at any time enter the mine or carry therein any matches, pipes, cigars, cigarettes or any device for making lights or fire not authorized or approved, and in all such mines the operator shall, at frequent intervals, search or cause to be searched any person entering or about to enter the mine or inside the mine, to prevent such person from taking or carrying therein any of the above-mentioned articles.

Section 25. Section 352.180 of the Kentucky Revised Statutes is amended to read as follows:

Whenever serious personal injury or loss of life occurs in a coal mine or in the machinery connected therewith or whenever a fire, explosion or other serious accident occurs, the superintendent of the mine, or if he is absent the mine foreman in charge of the mine, shall immediately give notice forthwith to the district mine inspector, stating the particulars of the accident, and

if anyone is killed thereby to the chief of the department. The district mine inspector shall immediately go to the scene of the accident and make such investigation and suggestions and render such assistance as he deems necessary for the future safety of the employes, investigate the cause of the fire, explosion or accident, make a record thereof, and forward it to the chief. The record shall be preserved with the other records of his office. To aid in making such investigations, the chief or the district mine inspector may compel the attendance of witnesses and administer oaths.

Section 26. Section 352.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following shall apply to underground installations:

(a) On all haulage roads, landings and partings, where men are required to regularly work or pass under bare power wires placed less than six and one-half feet above the top of the rail, suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wires and extending below them, or the use of some other approved device that affords protection.

(b) All machine feed wires shall be placed on glass or porcelain insulators which shall be so placed as to prevent the wires coming in contact with the coal.

(c) When machine or feed wires are carried in the same entry as the trolley wire, they shall be placed on the same side as the trolley wire, between the trolley wire and rib, and shall be protected from contact therewith. Positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in (a).

(d) All trolley and positive feed wires shall be placed on opposite sides of track from refuge holes or necks of room, when so ordered by the department, but wires, when protected as provided for in (a), may be placed across the necks of rooms. Switches or circuit breakers shall be provided to control the current at the mine, and all important sections in the mine.

(e) All power wires and cables in hoisting shafts or manway compartments shall be properly insulated, substantially fixed and well protected.

(f) Ground wires shall be at least one-fourth as large as the circuit wires, but not smaller than No. 6 B&S gauge.

(g) Extra length or long trailing cables preferably shall be spread out in long open loops on clean, well rock-dusted floor where the cable can be protected against mechanical injury, but cables in suspended long loops will be acceptable.

(h) Trailing cables with more than four temporary splices shall be removed from service and the splices improved before further use.

(i) Single conductor trailing cables shall not be used on cutting machines.

(j) Circuits of four hundred forty volts, three-phase alternating current shall be of insulated wire from transformers connected star-star. The cable shall contain a fourth wire from the center of the transformer star and be connected to the frame of the motor, preferably utilizing a ground trip protective relay.

(k) The frames of hand-held electrically driven tools shall be properly grounded, and they shall be provided with fuses or circuit breakers.

(l) All pump frames and all pipe lines shall be grounded to the rail or the grounding system at about two hundred-foot intervals.

(m) Cross-bonds shall be installed at about two hundred-foot intervals along the track.

(n) High voltage cables shall be installed in intake airways, shall have shielding grounded and be buried in a ditch, or otherwise protected against injury, subject to approval by the department.

(o) High voltage cables shall have disconnecting switches, overload protective devices and lightning arresters at, or near, the outside end of the cable.

(p) Inside substations shall have the approval of the department before installation. They shall be in a separate air current. Barriers shall be provided to contain oil that may leak from transformers.

(q) All mine locomotives shall be fused or otherwise protected at the switch or at the nip.

(r) Electric wiring for rubber belt conveyors shall be installed in an intake entry separate from the belt entry. Any necessary wiring, including wiring for lights, that is to be used in the belt entry, shall be carried from such adjoining entry directly to the point of use, and suitable fire-fighting equipment, such as rock dust, shall be located at strategic points along the rubber belt line, and proper type fire extinguishers shall be provided at the transfer points. The chief of the department may prescribe any other safety measures for the prevention and combating of mine fires as they pertain to rubber conveyor belts.

(s) Telephone lines shall be provided with lightning arresters where the lines enter the mine and at the boxes on the outside.

(t) Telephone lines crossing trolley wires shall be carefully protected.

(u) Insulating mats shall be placed in front of switchboards, beside stationary motors, in decks of locomotives, telephones, etc.

(v) Ground wires in trailing cables shall be tested periodically for open circuits and/or high resistance joints.

(w) Power circuits in tipples, buildings, cleaning plants, etc., and all inside electrical circuits should be de-energized when not in use over a long period.

(x) Where electric circuits cross over or pass under belt conveyors, the wiring shall be protected by conduit.

(y) The preceding provisions as pertain to the use of rubber belt conveyors shall apply only to installations which are made after the effective date of this Act, and if any operator is unable to comply with these provisions the department may

prescribe the conditions under which the installation shall be made.

(2) The following shall apply to surface installations:

(a) High voltage lines shall be at least fifteen feet above the ground and twenty feet high where there is a possibility of contact by traffic passing underneath.

(b) Protective barriers shall be provided between high voltage wires and telephone or trolley circuits, etc., in case of failure and falling of high tension line across such other circuits.

(c) On four-wire circuits, the fourth or neutral wire terminating at transformers, or elsewhere, shall be of substantial construction to minimize any possibility of the wire being cut in two or damaged mechanically.

(d) On low voltage circuits wires shall be supported on insulators, except when braided cables, made for use without insulators, are used, such as Romex, Loomex, etc. (trade names).

(e) Lightning arresters shall be installed on all direct current and alternating current circuits entering a mine, regardless of voltage. Overload protection and disconnect switches should also be provided.

(f) Every metallic building in which electricity is used or connected with any circuit shall be effectively grounded.

(g) All transformer tanks shall be effectively grounded.

(h) Switch boxes, contactors, controllers, etc. shall be kept free of dust accumulations.

(i) Transformer stations shall be housed or fenced in when lower than fifteen feet above the earth, and the fences shall be a minimum of six feet in height.

Section 27. Section 352.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) After the effective date of this Act in gaseous mines all electrical equipment purchased for use underground shall be of the permissible or flame-proof type.

(2) No person shall be placed in charge of electrical

equipment in any gaseous mine unless he is a competent person, capable of determining the safety of the roof and sides of the working places and detecting the presence of explosive gas. Operators of electrical face equipment shall undergo an examination to determine their fitness to detect explosive gas before they are permitted to have charge of electric face equipment, unless accompanied by a certified fire boss, or a person having passed such an examination. At gaseous mines safety committeemen, shotfirers, and others whose duty may require them to make examination for gas shall undergo and pass such examination or possess a first-class mine foreman's certificate or fire boss certificate before using a flame-safety lamp underground. The examination shall be given by the district mine inspector; blank forms therefor to be furnished by the department. A copy shall be retained on file at the mine office and the original shall be sent to the department fully made out and signed by the applicant and approved by the district mine inspector.

(3) In any gaseous mine, no electric face equipment shall be brought within the last breakthrough next to the working face until the operator has made an inspection for gas in the place where such equipment is to work, unless the examination is then made by some other competent person authorized and appointed for that purpose by the mine foreman. If any explosive gas is found in the place the electric equipment shall not be taken in until the gas is removed.

(4) While the electric equipment is operating at the face, an examination for gas must be made at not more than fifteen minute intervals. If gas is found the power shall be disconnected from the equipment and left disconnected until the gas is removed and the place reported safe by a certified official.

Section 28. Section 352.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The use of black powder, either granular or in pellet form, and the use of dynamite for firing shots is prohibited in all underground coal mines in the State of Kentucky.

(2) Explosives shall be fired only by electric detonators of the proper strength except as provided for in Section 29 of this Act.

(3) When blasting is done electrically, only permissible single shot blasting units or permissible multiple shot blasting units shall be used unless blasting is done from the surface or by other means approved by the chief of the department.

(4) Individual containers used to carry permissible explosives or detonators underground shall be constructed of substantial nonconductive material. The container shall be closed and maintained in good condition. When explosives or detonators are transported underground by locomotive, rope, or shuttle car, they shall be in covered cars or in special containers.

(a) The bodies and covers of special cars and the containers shall be constructed of nonconductive material.

(b) If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent.

(c) Cardox shells shall not be carried on man-trips.

(d) Where quantities of explosives and detonators are transported in special cars or in special containers in cars, they shall be hauled on a special trip, not connected to any other trip, and shall not be hauled into or out of a mine within five minutes preceding or following a man-trip or any other trip. When traveling with the air current, the explosive trip shall precede the man-trip; when traveling against the air current, the man-trip shall precede the explosive trip.

(5) Explosives and detonators shall be transported underground by belt only under the following conditions:

(a) In the original and unopened case, in special closed cases constructed of nonconductive material, or in suitable individual containers.

(b) Ample clearance shall be provided when transported by belt.

(c) Suitable loading and unloading stations shall be provided.

(d) There shall be an attendant at loading and unloading points and stop controls at these points.

(6) Explosives or detonators shall not be transported on flight or shaking conveyors, or by scraper or mechanical loading machines.

(7) Underground section boxes or magazines shall be of substantial construction and placed in a crossout or idle room neck at least twenty-five feet from roadways or trolley wires and in a reasonably dry and well rock-dusted place; and when such section boxes or magazines are used, the explosives and detonators shall be kept in separate boxes or magazines, or if kept in the same box they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent. Not more than a forty-eight hour supply of explosives, including any surplus remaining from the previous day, shall be stored underground in such boxes or magazines. Explosives kept near the working faces in individual containers shall be kept not less than fifteen feet from rail or power lines and in a location out of line of blast where they will not likely be subjected to shock. Detonators shall be kept in a separate container under similar conditions. Explosives and detonators shall be kept in their containers fifteen feet apart until removed for use at the working faces.

(8) Boreholes in coal shall not be drilled beyond the back of the cut, nor into the solid rib, roof or floor.

(9) Boreholes shall be cleaned and checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged.

(10) To prevent blowthroughs, all portions of the boreholes, where the height of the coal permits, shall have a burden in all directions of at least eighteen inches before being fired.

(11) Boreholes shall be stemmed with at least twenty-four inches of incombustible material, or at least two-thirds of the length of the hole shall be stemmed.

(12) Examination for gas shall be made immediately before and after firing each shot where on-shift shooting is done in gaseous mines.

(13) When blasting coal, charges exceeding one and one-half pounds, but not exceeding three pounds, shall be used only if boreholes are six feet or more in depth, and explosives are charged in a continuous train, with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other; and with the end cartridges touching the back of the hole and the stemming, respectively.

(14) Shots shall be fired by qualified shot firers.

(15) In mines where shooting is done on shift, all shots or series of shots shall be fired immediately after charging.

(16) Only wooden tamping bars shall be used when charging holes.

(17) Leg wires of electric detonators shall be kept shunted or the ends twisted together until ready to connect to the firing cable.

(18) Shots shall not be fired from the power or signal circuit while any men are in the mine.

(19) Roof and faces of working places shall be tested before and after blasting on shift.

(20) Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through.

(21) Mixed charges shall not be charged or fired in any borehole.

(22) Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

(23) Blasting cables shall be well insulated and as long as may be necessary to permit the shot firer to get in a safe place around a corner, short-circuited at the battery end until ready to attach to the blasting unit, staggered as to length or kept well separated when attached to the detonator leg wires, and kept clear of power wires and all other possible sources of active or stray currents.

(24) Where misfires occur with electric detonators, a

waiting period of at least five minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery end short-circuited before electric connections are examined. If fuse is used a waiting period of twelve hours shall elapse before returning to the face. Explosives shall be removed by firing a separate charge at least two feet away from, and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out. A very careful search of the working place, and, if necessary, of the coal after it reaches the tipple shall be made after blasting a misfied hole, to recover any undetonated explosive. The handling of a misfired shot shall be under the direct supervision of the foreman or a competent person designated by him.

(25) The provisions governing the handling, storage, and transportation of explosives shall apply to the heater elements of Cardox blasting devices prior to their installation in the shells. Charged Cardox shells shall be transported underground in insulated cars or in insulated boxes placed in ordinary mine cars except where transported on rubber belts and shall be stored on wooden racks, built for that purpose, in a crosscut or an idle room neck, at least ten feet from power lines and haulage tracks. Where Cardox is used for blasting, the following shall apply:

(a) Cardox shells need not be tamped or stemmed.

(b) When Cardox is fired, all persons in the vicinity, including the shot firer, shall be around a second corner or in an equally safe place.

(c) Blasting cables shall be as long as may be necessary to assure the safety of the shot firer, attached only after the charge has been placed in the borehole, and maintained in good repair.

(d) The charge shall be detonated with a permissible shot-firing unit.

(e) Cardox shall not be shot off the solid, over heavy rock binders or shale, or in a "tight" shot.

(f) Cardox misfires caused by the failure of the disk to rupture shall not be removed from the hole until after the lapse of five minutes and shall be handled under the supervision of a foreman or other competent designated person.

(g) Misfired shells shall be bled off promptly and marked conspicuously upon removal from the hole.

(26) Where Airdox is used for blasting or breaking down the coal, the following shall apply:

(a) Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel air lines tested to withstand an approximate pressure of twenty thousand pounds a square inch.

(b) Air lines shall be grounded at the compressor and, if possible, at other low-resistance ground connections along the lines, such as at borehole casings. They shall not be connected in any way to tracks, water lines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track.

(c) Unions shall be installed in steel air lines at not more than one-thousand foot intervals.

(d) Shut-off valves shall be installed every one thousand feet in all Airdox lines and, in all branch lines, at a point near the main lines.

(e) Airdox lines shall be protected at places where equipment passes over, under, or adjacent to them.

(f) Steel or copper lines shall not be handled or repaired when air pressure is in the line.

(g) Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found.

(h) Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically because of the dangers from kinks and crystallization.

(i) Blow-down valves shall not be less than forty-five feet from the face and shall be around a right angle.

(j) Holes for Airdox tubes shall not be drilled on the solid.

(k) The Airdox tube shall be pushed to the back of the drill hole and then withdrawn six to twelve inches to form an air cushion.

(l) When blow-down valves are opened to discharge the Airdox tube, they shall remain open until time to place the tube in the next borehole.

(m) After the breaking down of the coal in any one place, the tube shall be disconnected at once from the air line and not reconnected until ready to be used in the next place.

(n) When an Airdox tube fails to discharge, the copper line leading to the tube shall be disconnected at the blow-down valve, and the tube shall be dragged by means of the copper line to an abandoned place, marked with warning signs, and left for twelve hours before any repair work is done thereon.

(o) All persons shall be removed from adjoining working places where there is danger of breaking through and shall be at a safe distance around a right angle, while coal breaking is in progress.

Section 29. Section 352.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any operator of a coal mine may employ practical and experienced persons as shot firers to prepare the cartridge and set off and discharge the shots.

(2) The department may require the operator to employ practical and experienced persons as shot firers and may prescribe the conditions under which blasting may be carried on and the kind of explosives that shall be used.

(3) Shot firers shall at all times be under the direction of the mine foremen.

(4) The district mine inspector may prescribe the conditions under which solid shooting may be done in any mine, and in non-gaseous mines the district inspector may permit the use

of fuse and fuse type detonators of proper strength to be used in connection with permissible explosives in solid shooting.

Section 30. Section 352.280 of the Kentucky Revised Statutes is amended to read as follows:

In all gassy or gaseous mines the operator or superintendent shall employ one or more certified fire bosses or other properly certified persons. The fire boss or other properly certified person shall examine carefully within three hours before each shift enters the mine, every working place, all places adjacent to live workings, every roadway, every unfenced road to abandoned workings, and all falls in the mine. Before proceeding with the examination he shall see that the air current is traveling its proper course. In making the examination he shall use an approved safety lamp. The fire boss or other properly certified person shall examine for all dangers in all portions of the mines under his charge, and after examination he shall leave at the face of every place examined the date of the examination and his initial as evidence that he has performed his duty. He shall also examine the entrances to all worked-out and abandoned portions adjacent to the roadways and working places under his charge where explosive gas is likely to accumulate, and he shall place a danger signal across the entrance to every place where explosive gas is discovered or where immediate danger is found to exist from any other cause. The signal shall be sufficient warning for persons not to enter. When the mine is idle and workmen are required to go into the mine, the section, portion or part of mine entered if gassy or gaseous must be inspected by a fire boss or other properly certified person within three hours before the workmen enter.

Section 31. Section 352.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where six or more persons are employed in a commercial coal mine in a period of twenty-four hours, the operator shall employ a certified mine foreman therein to properly carry out the plans and rules when approved by the chief of the department and to see that the mining law is complied with. If explosive gas can be detected with a flame safety lamp or one in which there is a record of methane having been ignited the

operator shall employ a mine foreman of the first class. If explosive gas is not present and there is no record of an ignition the operator may employ a mine foreman of the second class.

(2) When the mine workings become so extensive that the mine foreman is unable personally to carry out the duties required of him by law, the operator or superintendent shall employ a sufficient number of persons holding suitable certificates of qualifications to act as assistants to the mine foreman, and under his instructions.

Section 32. Section 352.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mine foreman shall notify, in writing, the operator or superintendent of the mine of his inability to comply with any of the requirements of the mining laws, and the operator or superintendent shall at once attend to the matter complained of by the mine foreman so as to enable him to comply with the mining laws.

(2) The mine foreman shall each day enter and sign plainly with ink or indelible pencil, in a book provided for that purpose, a report of the condition of the mine. The report shall clearly state any danger that comes under his observation during the day or is reported to him by his assistants or by the fire bosses, and shall state whether or not there is a proper supply of material on hand for the safe working of the mine, and whether or not the mining laws are being complied with. The mine foreman shall each day read carefully, and countersign with ink or indelible pencil, all reports entered in the record book of the fire bosses.

(3) The mine superintendent, mine foreman and assistant foreman shall be held jointly responsible for the immediate compliance of the inspector's recommendations.

Section 33. Section 352.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mine foreman shall see that breakthroughs are made as required by law, and shall see that ventilation is conducted by means of the breakthroughs through the rooms by

means of check doors or curtains placed on the entries or other suitable places, and shall not permit any room to be opened in advance of the ventilating current.

(2) At least once each week while the mine is in operation the mine foreman, or some certified person designated by the mine foreman, with an anemometer furnished by the operator, shall measure the air current at the inlet and outlet and at or near the faces of the advanced headings, and shall keep a record of such measurements in a book furnished and having a form prescribed by the chief of the department.

(3) The mine foreman shall see that signboards directing the way to outlets or escapeways are conspicuously placed throughout the mine.

Section 34. Section 352.370 of the Kentucky Revised Statutes is amended to read as follows:

When any working place approaches within one hundred feet of any abandoned workings which cannot be inspected and may contain dangerous accumulations of water or gas, and of which a map is available, boreholes shall be kept at least twenty feet in advance of the face and forty-five degree angle rib-holes shall be drilled at least twenty feet deep. These holes shall not be more than eight feet apart. If no map is available the boreholes shall be started when the working places are within two hundred feet of where the abandoned workings are supposed to be.

Section 35. Section 352.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) The operator or superintendent of every coal mine shall furnish the district mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(2) If any inspector discovers that any mine does not conform to the provisions of Chapters 351 and 352 in respect to appliances for the safety of employes, or that by reason of any defect or practice in or about the mine the lives or health of persons employed therein are endangered, he shall immediately

notify the operator or superintendent thereof, orally and in writing, stating the particulars in which he considers the mine to be defective or dangerous, and if he deems it necessary for the protection of the lives and health of the persons employed in the mine he shall withdraw the men from the mine. The operator or superintendent shall have the right to appeal to the chief of the department from the closing of the mine.

(3) The owner or operator of any mine so closed may by petition apply to the circuit court of the county where the mine is located, or to the judge thereof in vacation, for an order directing the mine to be reopened, and the court or judge shall immediately hear and determine the matters arising upon the petition. If, upon full hearing thereof, the court or judge finds that the mine is in a reasonably safe condition, the prayer of the petition shall be granted.

(4) Notice of the hearing shall be given to the district mine inspector and the chief of the department at least three days before the hearing, and in all such hearings the Attorney-General, the Commonwealth's attorney or the county attorney of the circuit court district or county in which the mine is situated shall appear for the state and defend the action.

Section 36. Section 352.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) The correctness of each map provided for by KRS 352.450 or 352.460 shall be certified to by a professional engineer registered in Kentucky, and KRS 322.240 requires that plats, etc. be stamped with his seal. The certification shall read as follows:

"I, the undersigned, hereby certify that this map is correct, shows to the best of my knowledge and belief all the information required by the mining laws of this state, and covers the period ending _____, Engineer
"Acknowledged before me, a _____,
this _____ day of _____"

_____
_____SEAL

(2) The chief of the department may reject any map as incomplete if its accuracy is not so attested.

Section 37. Section 352.490 of the Kentucky Revised Statutes is amended to read as follows:

(1) No owner or tenant of any land containing coal shall engage in mining within twenty-five feet of the line dividing the land owned or held by him from that of another person, without the written consent of every person interested in or having title to the adjoining land in possession, reversion or remainder, or the guardians of such of those persons as are infants. The owner or tenant must also have the approval of the chief of the department.

(2) Any person who violates subsection (1) shall be liable in the sum of five hundred dollars to the persons injured, and the persons injured may also pursue all other remedies provided by law for the recovery of damages for injury to their property.

Section 38. Section 352.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) No employer shall require any employe to deal with or purchase merchandise of any kind from any person or at any place.

(2) No such employer shall exclude from work, punish or blacklist any employe for failure to deal with or purchase merchandise of any kind from any person or at any place.

Section 39. Whereas, the existing laws of this state regulating the conduct of mining operations are deemed insufficient in their purpose of assuring safe working conditions for the persons employed in such mines; and

Whereas, it is deemed expedient that the Department of Mines and Minerals be given, as soon as possible, the authority conferred by this Act to require compliance with the provisions hereof in order to assure safe working conditions for the persons employed in such mines;

An emergency is hereby declared to exist, and this Act shall become a law immediately upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

By Mr. Rayburn and Moorman.

H. B. No. 159. AN ACT relating to the offering and paying of rewards for the apprehension and conviction of persons guilty of stealing cattle or other domestic animals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. When in any community of the state there have been repeated or aggravated instances of larceny of cattle, the Governor may offer a reward for the apprehension and conviction of any person guilty of larceny of cattle, as defined in KRS 446.010, in such community, and in his discretion may employ detectives, not exceeding two at any one time, for the ferreting out, apprehension and conviction of any offender. The reward may be in any sum fixed by the Governor, not exceeding $1,000. The Governor shall by executive proclamation designate the boundaries of the community to which the reward shall apply. The reward shall be paid out of the Governor's General Emergency Fund.

Said bill was ordered printed and referred.

By Mr. Rayburn and Blanton.

H. B. No. 160. AN ACT relating to control of Black Shank and other diseases of tobacco and to appropriate money for that purpose.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Kentucky Agricultural Experiment Station shall carry on and extend the present program in the field of tobacco breeding, research and education for the control of black shank and other diseases in tobacco. For this purpose there shall be available to the Kentucky Agricultural Experiment Station, such sums as may, from time to time, be appropriated by the General Assembly for the purpose.

Sec. 2. For the purpose of this Act, there is hereby appropriated to the Kentucky Agricultural Experiment Station out of the General Expenditure Fund of the State Treasury, the sum of $60,000 per year for each of the fiscal years 1952-53 and 1953-54; without lapse in the year 1952-53.

Said bill was ordered printed and referred.

By Mr. Vance.

H. B. No. 161. AN ACT relating to the Kentucky Ex-Service Men's Board, adding to its powers and duties, making it trustee of 80% of investments required of foreign and domestic insurers, for the purpose of granting direct loans to Veterans of Kentucky of World War II, providing for its functions, expenses and establishing the purpose, requirements and qualifications of loans.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky Ex-Service Men's Board shall be co-trustee with the Commissioner of Insurance of 80% of the investments required of foreign and domestic insurer's, for the purpose of granting direct loans to Veterans of Kentucky of World War II as provided herein.

Section 2. Veterans of Kentucky qualifying under this Act for a direct loan shall meet the following requirements:

(a) Be honorably discharged from the armed forces;

(b) Be an actual bona fide citizen and resident of Kentucky at the time of induction into the armed forces;

(c) Not have obtained a veterans loan under federal law;

(d) The veteran shall have been refused the identical loan applied for by at least three private lenders in his community.

Section 3. The conditions and terms of the loans shall be regulated in the discretion of the board and the re-payment term may range from 5 to 20 years at option of the veteran.

The veteran shall deposit the following amount depending upon the extent of the loan:

$1000 to 2000	$100
2000 to 3000	200
3000 to 4000	250
4000 to 6000	300
6000 to 8000	400
8000 to 10,000	500

No loan shall exceed $10,000.00.

Section 4. All loans shall bear 4 per centum interest per annum to be allocated as follows: 3½% shall be remitted to the insurers proportionately as their interest appears per investments required under Chapter 304 of the Kentucky Revised Statutes; the remainder of the interest on said veterans loans shall be used to make up loan deficits and to be used for expenxes of the board in granting loans, providing personnel therefor, the balance, if any, thereof to go to the treasurer of the Commonwealth of Kentucky.

Section 5. The veteran applying for a loan shall deposit $75.00 as cost in perfecting the loan.

Section 6. No loan shall be made out of the Commonwealth of Kentucky.

Section 7. Loans can only be made to a veteran with first mortgages upon the following property and for the following purposes:

(a) to purchase a farm;
(b) to re-finance a farm;
(c) to construct a farm dwelling;
(d) to purchase a non-farm dwelling;
(e) to construct a non-farm dwelling.

Section 8. The board shall have power to refuse a loan in its discretion.

Section 9. The board shall have power to employ additional employes for the purpose of perfecting its duties under this Act.

Said bill was ordered printed and referred.

By Mr. Vance.

H. B. No. 162. AN ACT relating to insurer's, foreign and domestic, requiring 80% of their investments deposited with the Department of Insurance to be transferred to the Kentucky Ex-Service Men's Board, as trustee.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All foreign and domestic insurers doing business in Kentucky shall deposit U. S. currency in the amount of 80% of the investments required of them under Chapter 304 Kentucky Revised Statutes with the Commissioner of Insurance, who shall transfer same to the KENTUCKY EX-SERVICE MEN'S BOARD, as co-trustee thereof, which shall use said funds for the purpose of making direct loans to Veterans of the Commonwealth of Kentucky.

Said bill was ordered printed and referred.

By Mr. Gay.

H. B. No. 163. AN ACT relating to the selection and adoption of textbooks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) On or before July 1, 1954, the Superintendent of Public Instruction shall classify the elementary and secondary school subjects included in the state course of study as prescribed by the State Board of Education, under eight subject fields as follows: (1) English, (2) Mathematics, (3) Social Science, (4) Science and Health, (5) Vocational, (6) Commercial, (7) Fine Arts, and (8) Foreign Languages. A State Textbook Selecting Committee consisting of seven members shall be appointed for each adoption for each of the eight subject fields. The State Textbook Selecting Committee shall be appointed by

the State Board of Education upon recomendation of the Superintendent of Public Instruction.

(2) On or before January 15 of each year, Textbook Selecting Committees shall be appointed according to the provisions of this Act, to select textbooks in those subject fields in which contracts for textbooks are to expire during the succeeding year.

Section 2. Members of the State Textbook Selecting Committees shall have had not less than five years teaching or supervising experience in the public schools of Kentucky and must have had at the time of their appointment at least four years of college training in a recognized institution of higher education. Four members of each committee shall be classroom teachers actively employed in public schools of Kentucky as teachers in the subject field for which that committee will select books. Two members shall be school administrators of recognized standing and ability. One member shall be a member of the faculty of a public institution of higher education engaged in teacher education. In selecting the committee or committees for each adoption the Superintendent of Public Instruction shall give due regard to representation from rural and urban area and to both elementary and secondary levels when both educational levels are included in the subject fields for which adoptions are to be made.

Section 3. (1) It shall be the duty of each Textbook Selecting Committee to take into account the need of the various types of school organizations and to select ten books or series of books for each subject in the committee's field, provided that as many suitable ones are submitted for their consideration. In the event that fewer than ten books or series of books are submitted, the committee shall recommend all that are considered by the Committee to be suitable.

(2) Not later than February 15 of each year, the Superintendent of Public Instruction shall call these committees into session at the State Capitol, at which session they shall organize and proceed under rules and regulations formulated by the State Board of Education; provided that the final report of the selecting committees shall be presented to the Superintendent

of Public Instruction not later than October 1 of the succeeding school year. Members of the Selecting Committees shall serve without remuneration except remibursement for their actual expenses while attending committee meetings. The term of office of each committee shall be from date of appointment to date of final adoptions by the State Board of Education in the subject field for which said committee was appointed.

Section 4. (1) Within thirty days after the receipt of the recommended list of books the Superintendent of Public Instructions shall present this list to the State Board of Education at a regular or called meeting at the State Capitol. It shall be the duty of the State Board of Education to review the work of the Selecting Committees and to reject any book or series of books which in the judgment of the Board may be unsuitable for use in the schools of Kentucky or improperly made or excessive in cost. The Board shall submit in writing at the time of rejection the reasons for the rejection which reasons shall be made public. The Board shall then require the Selecting Committee to make substitute selections for any rejected books. The State Board of Education shall prepare a list of the books adopted and the Superintendent of Public Instruction shall publish same and send a copy to the Superintendent of each county and each independent school district in Kentucky on or before December 1.

(2) The State Board of Education shall make and execute contracts for the selected books with the publishers within fifteen days of the approval of the books recommended by the Selecting Committees. Except for the adoptions in 1955 described hereafter in this Act, all contracts shall run for 4 years, except that in the subject of reading and children's literature for Grades 1, 2, and 3, after approval by the State Board of Education, two books for each subject and grade shall be adopted.

(3) The Board of Education of each county and independent school district shall upon recommendation of its superintendent and not later than April 1 of any adoption year select from the list one book for each subject and grade to be used as a basal text in its school system for a period of four years, except that in the subjects of reading and children's literature for

Grades 1, 2 and 3 two books for each subject and grade shall be adopted.

(4) After the local board of education has adopted the basal textbooks for use of the district and not later than April 15, the superintendent of school shall send the Superintendent of Public Instruction a complete list of books so adopted properly certified by the Chairman and Secretary of the Board of Education.

Section 5. (1) The schedule of adoption shall be as follows:

Adoptions in the fields of English and Foreign Languages shall be made in 1955 and the period of adoption shall be for 4 years.

Adoptions in the fields of Social Science and Fine Arts shall be made in 1955 and the period of adoption shall be for 3 years.

Adoptions in the fields of Mathematics and Commercial shall be made in 1955 and the period of adoption shall be for 2 years.

Adoptions in the fields of Science and Health and Vocational shall be made in 1955 and the period of adoption shall be for 1 year.

Provided, however, in 1955 not more than one-half of the textbooks in use may be changed, and provided further, that all state adopted textbooks in use at the time shall be included on the multiple list adopted by the State Board of Education, if same are submitted.

(2) Upon expiration of the periods of adoptions in each of the above fields, adoptions shall be made for a period of 4 years. Local changes shall be limited to one half of the number of books being considered for change in that year. Any book dropped from the multiple list may be continued for an additional adoption period of four years provided the price is not higher.

Section 6. (1) Any person desiring to offer textbooks for adoption and use in the public schools of Kentucky, shall before

such textbooks may be lawfully adopted by the State Board of Education or purchased by any board of education, comply with the following conditions: Such person shall file with the Superintendent of Public Instruction:

(a) Copies of all textbooks which such person desires to offer for adoption and use, together with a sworn statement of the list price, the lowest net wholesale price and the lowest net exchange price at which each of such books is sold in any adopting unit.

(b) Copies of any revision or special edition of any such textbooks and a statement describing exactly and in detail each and every point of difference from the regular editioin filed and the list price, the lowest wholesale price and the lowest net exchange price at which revisions or special edition is sold in the United States.

(c) A fee of five dollars ($5.00) for each book filed except where a series of books is filed, in which case he shall pay five dollars ($5.00) for the first book of the series and one dollar ($1.00) for each additional book of the series. The fee provided by this section shall be paid at each and every adoption or readoption period. The fees received under the provisions of this section shall be placed in the State Treasury to the credit of a revolving fund to be used to cover the cost of compiling and publishing lists of books, for necessary expenses of the State Textbook Selecting Committees and for other costs of administering the provisions of this act. If, and when, the balance of this fund, in the judgment of the State Board of Education, exceeds that which is necessary for the aforesaid purposes, the excess, upon the action of the State Board of Education, shall be transferred to the free textbook fund of the state.

(d) A bond, running to the Commonwealth of Kentucky with a responsible surety company authorized to do business in the Commonwealth of Kentucky as surety therein, in a sum to be determined by the State Board of Education, but not less than two thousand dolalrs ($2,000.00) nor more than ten thousand dollars ($10,000.00) conditioned as follows:

1. That such person will furnish any of the books listed in

such statement for a period of the complete adoption to any school district in the State of Kentucky or to any dealer appointed by such district, at the lowest net wholesale price contained in said statement, f.o.b. the publisher's nearest shipping point.

2. That such person will automatically reduce such price in Kentucky whenever reductions are made anywhere in the United States, so that at no time shall any book so filed and listed as above provided be sold in Kentucky at a higher net wholesale price than is received for such book elsewhere in the United States.

3. That in case such person prepares an abridged or special edition of any book so listed by him and sells such special edition elsewhere at a lower net wholesale price than the net wholesale price set out in the above statement, such person shall file a copy of such special edition together with the price thereof, in a supplemental statement with the Superintendent of Public Instruction.

4. That all books sold in the Commnowealth of Kentucky shall be equal to and identical with the specimen books deposited in the office of the Superintendent of Public Instruction, as above provided, as regards size, paper, binding, print, illustrations, subject matter, and other particulars which may effect the value of textbooks.

5. That such person shall not enter into any agreement, understanding, or combination to control the price of textbooks or to restrict competition in their sale in the Commonwealth of Kentucky.

(2) The form of such sworn statement and such bond shall be approved by the Attorney General. Such bond shall be in force for the adoption period for which a book is offered. Such a person may at any time while such bond is in effect, file a supplemental statement covering additional books or special editions of books already filed, which supplemental statement shall expire at the date of expiration of the original statement and bond. Prior to the expiration of any statement and bond, such person may file a new statement and bond for a new adoption

period, but if he fails to do so, his right to offer txetbooks for adoption and use in the public schools of Kentucky shall expire on the date of the expiration of the former bond.

Section 7. After July 1, 1955, no textbook shall be used in any public school in Kentucky as a basal textbook, unless it has been approved and adopted according to the provision of this Act. But nothing in this Act shall apply to the supplementary books as may be needed form time to time.

Section 8. Each board of education in the Commonwealth may appoint a dealer, or dealers, to act as official retail agent, or agents, for the sale of books for use in such school's district, or any school unit may purchase and distribute books, etc., to its own patrons instead of having an agent or dealer to handle the books. Publishers whose books have been adopted under the provisions of this Act, shall furnish such books either through such official retail agents, or through respective boards of education at the lowest net wholesale price and the lowest net exchange price listed with the Superintendent of Public Instruction, f.o.b. the publishers' nearest shipping point. Such official retail agent, or agents, shall give a reasonable bond, if required to respective publishers who have contracts to furnish adopted books. All orders given by such retail agent, or board of education, shall be promptly filled. Such official retail agent, or agents, shall sell such books at not more than fifteen (15) percent in excess of the net wholesale price. Where old books, displaced by new adoption, are offered by pupils in exchange for the corresponding new books, such new book shall be offered at a price not to exceed fifteen (15) percent of the net exchange price listed by the publisher. If any such agent violates the requirements of this Act, or fail to give reasonable bond requested by any publisher, the board of education that appointed such agent, by giving notice prior to May 1 in any year, may revoke the appointment of such agent on July 1 of that year. When an agent or dealer's permit is revoked or terminated by mutual agreement or otherwise, all textbooks as per inventory of the dealer or agent must be paid for at wholesale price by the company, firm, or individual from whom such textbooks were purchased, provided such txetbooks are of the lawful adoption.

Section 9. It shall be the duty of the superintendent of schools in each ditsrict to notify the Superintendent of Public Instruction of any violation by the publisher of any of the conditions in the publisher's bond on file with the Superintendent of Public Instruction. If the Superintendent of Public Instruction finds that such violation has occurred, he shall instruct the Attorney General to bring suit thereon against the publisher. In case judgment is received, any sum paid on such bond shall be placed to the credit of the general school fund of the Commonwealth.

Section 10. When a pupil removes from any school district, the board of education of such district shall purchase from such pupil, if requested so to do, the textbook owned by the pupil and in actual use at the time by the pupil in such district. The price to be paid shall be based upon condition of the books, and the same may be sold by the board of education, or furnished to indigent children in such district.

Section 11. No superintendent, teacher, or other official, or employe of any institution supported wholly or in part by public funds shall act, either directly or indirectly, as agent for any person whose school textbooks are filed with the Superintendent of Public Instruction, as provided by law. Such sample textbooks as may be submitted to members of the State Board of Education for examination shall continue to be the property of the bidder if claimed within 30 days after adoption or shall be sold by the State Board of Education and the money covered into the state school fund.

Section 12. No person shall secure or attempt to secure the adoption of any school textbook or books in any school district in the Commonwealth by rewarding or promising to reward, directly or indirectly, any person in any public school in the Commonwealth. No person shall offer or give any emolument to any person in any school district for any vote or promise to vote, or the use of his influence, for any school textbook or books to be used in the Commonwealth.

Section 13. Any person violating any of the provisions of this Act shall, on conviction thereof, be punshed by a fine not to

exceed five hundred dollars ($500.00) or by imprisonment not to exceed three months, or by both such fine and imprisonment.

Section 14. Section 156.260 to 150.380 inclusive, and subsection (2) of Section 156.990 of the Kentucky Revised Statutes are hereby repealed.

Said bill was ordered printed and referred.

By Mr. Wells.

H. B. No. 164. AN ACT relating to places of entertainment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. If the county court, purusant to the hearing provided for in KRS 231.080, finds that the applicant for a permit to operate a place of entertainment is of good moral character, at least twenty-one years of age and has not been convicted in Kentucky, within two years prior to the application, of a felony or of maintaining a public nuisance, it shall issue to the applicant the permit applied for.

Section 2. Section 231.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) From the judgment of the county court refusing to grant the permit, the applicant may appeal to the circuit court, where the appeal shall be tried as an action in equity, and the evidence shall be heard in open court.

(2) From the judgment of the county court granting a permit any citizen of the county may appeal to the circuit court and the appeal in the circuit court shall be tried as in the case of an appeal from a judgment denying the permit.

(3) Before any appeal is perfected, the party appealing shall file a copy of the judgment of the county court with the circuit clerk and shall execute a bond guaranteeing the payment of the cost of the appeal. The cost of the appeal shall be adjudged against the person losing the appeal.

(4) The county attorney shall resist any appeal filed by an applicant and shall represent any citizen who appeals from the judgment of the county court granting a permit.

(5) Any party aggrieved by a judgment of the circut court may appeal to the Court of Appeals in the same manner that appeals are taken under Section 639a-5 of the Civil Code of Practice.

Section 3. Section 231.030 of the Kentucky Revised Statutes is repealed.

Said bill was ordered printed and referred.

By Mr. Moore.

H. B. No. 165. AN ACT relating to the fees of the jailers; amending KRS 64.150.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts, per day not exceeding	$2.00
Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day	2.00
Putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of irons	.50
Keeping and dieting prisoners in jail, when confined for an offense other than a felony or contempt of court, per day	1.75

Imprisoning and releasing a prisoner charged with a misdemeanor ..... .60

(2) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt ..... .60

Keeping and dieting a prisoner charged with a felony or contempt, per day 1.75

Putting a prisoner charged with a felony or contempt in irons, to secure his safe-keeping in the jail, besides the cost of the irons ..... .50

Each day's attendance upon the circuit court 2.00

Furnishing fuel, light and water to the circuit court, not exceeding, per day 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

Section 2. This Act shall take effect on the first Monday in January, 1954.

Said bill was ordered printed and referred.

By Mr. Robinson.

H. B. No. 166. AN ACT relating to pin ball machines.
Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person owning, operating, managing or

having charge of any place or premises having thereon a pin-ball machine, as defined in subsection (5) of KRS 436.230, shall allow any minor under sixteen years of age to play, in any manner, such pin-ball machine.

Section 2. Any person who violates the provisions of section (1) of this Act shall be fined not less than twenty dollars nor more than fifty dollars.

Said bill was ordered printed and referred.

By Mr. Taylor and Henry.

H. B. No. 167. AN ACT protecting every individuals right to work and making unlawful, the use of force or violence or threats thereof to prevent any person from engaging in any lawful vocation and providing penalties for the violation thereof: making it unlawful for any person acting in concert with other persons to assemble and prevent or attempt to prevent by force or violence any person from engaging in a lawful vocation and making it unlawful to encourage and aid such unlawful assemblage and provding penalties for the violation thereof: defining the term "Labor Dispute": and providing a severance or saving clause.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. It shall be unlawful for any person by the use of force or violence, or threat of the use of force or violence, to prevent or attempt to prevent any person from engaging in any lawful vocation within this State. Any person guilty of violating this section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the State Penitentiary for not less than one (1) year, nor more than two (2) years.

SECTION 2. It shall be unlawful for any person acting, in concert with one or more other persons, to assemble at or near any place where a "labor dispute" exists and by force or violence prevent or attempt to prevent any person from engaging in any lawful vocation, or for any person acting either by him-

self, or as a member of any group or organization or acting in concert with one or more other persons, to promote, encourage or aid any such unlawful assemblage. Any person guilty of violating this section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the State Penitentiary for not less than one (1) year, nor more than two (2) years.

SECTION 3. The term "labor dispute" as used in this Act shall include any controversy between an employer and two (2) or more of his employees concerning the terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment.

SECTION 4. If any section, paragraph, clause, or provision of this Act is declared unconstitutional, inoperative or invalid by any Court of competent jurisdiction, the same shall not affect or invalidate the remainder of this Act.

Said bill was ordered printed and referred.

By Mr. Kearby.

H. B. No. 168. AN ACT applying to the admissibility of evidence in actions to recover damages for personal injury and property damage, or both.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In all actions hereafter brought in any court of this state after this act shall become law, to recover damages for personal injury and/or property damage, one or both, it shall be permissible for the parties to such actions to introduce in evidence any policy or contract of insurance held by any or all such parties covering such asserted liability and/or if any such policy or contract for any reason may not or cannot be or is not produced, it shall be permissible to introduce evidence that any such party is covered or protected by a policy or contract of insurance.

Said bill was ordered printed and referred.

By Mr. Greene and Early.

H. B. No. 169. AN ACT concerning annexation of territory to cities of the third class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 81.190 of the Kentucky Revised Statutes is amended to read as follows:

Any city of the third class may annex any territory to the city in the county wherein said city is situated or in an adjoining county or reduce the boundaries of the city, in the same manner and under the same procedure as is provided in KRS 81.100 and 81.110 for annexation of unincorporated territory or reduction of boundaries by cities of the first class, with the following exceptions:

(1) If there is no daily newspaper published in the city, the ordinance proposing annexation or reduction of territory shall be published in at least four issues of a weekly paper published in and having the largest circulation in the city. If there is no daily or weekly newspaper published in the city, copies of the ordinance shall be posted for at least ten days in four of the most public places in the city.

(2) If the mayor is absent, the summons issued on the petition filed in circuit court shall be served on the members of the city legislative body.

(3) The proceedings in the circuit court shall be tried according to the practice prescribed for the trial of equity cases, without the intervention of a jury.

(4) There shall be no appeal from the judgment of the circuit court.

Said bill was ordered printed and referred.

By Mr. Rouse.

H. B. No. 170. AN ACT making it unlawful to deny, or to contract to deny, employment to any person or to discharge or

discriminate against, or to contract to discharge or discriminate against, any employee, because of membership in, affiliation with or non-membership in, or non-affiliation with, a labor union or other employee organization: fixing penalties for violation of this act and fixing the venue for the trial of those charged with the violation hereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1.

Freedom of organized labor to bargain collectively and of unorganized labor to bargain individually is hereby declared to be the public policy of this Commonwealth.

SECTION 2.

From and after the effective date of this Act, it shall be unlawful for any employer in this Commonwealth to refuse or to contract to refuse, to employ any person or to discharge or otherwise discriminate against, or to contract to discharge or discriminate against, any employee, because of membership in, or affiliation with, or non-membership in, or non-affiliation with, a labor union or other employee organization.

SECTION 3.

Any employer who violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00). Each day during which any person continues in violation of this Act shall be deemed a separate offense.

SECTION 4.

Prosecutions for violation of this Act may be had in the Circuit Court of any county in which the employer charged with its violation resides or has a place of business, or may be found and served of process.

Said bill was ordered printed and referred.

By Mr. McCallum.

H. B. No. 171. AN ACT relating to labor organizations.

Said bill is a follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be unlawful for any national or international labor organization having one hundred or more members in good standing who reside or work in Kentucky not to have at all times one or more duly chartered and established local or subsidiary organizations in this State.

Section 2. Any national or international labor organization which violates section 1 or this Act shall, for each offense, be fined not less than one thousand dollars nor more than ten thousand dollars.

Said bill was ordered printed and referred.

By Mr. Mobley.

H. B. No. 172. AN ACT to provide for the establishment and maintenance of services facilities for severely or chronically physically handicapped persons.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. The Department of Health shall establish and maintain services and facilities, including hospital-schools, for the care and education of physically handicapped but educable persons and provide in connection therewith medical and nursing care, and academic, occupational, recreational and related training for such persons.

Section II. Any Kentucky resident who is educable but so severely handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy, spina bifida, or other severe or chronic physically handicapping conditions may be admitted to the hospital-schools or be entitled to services and faciilties provided therein. For the purposes of this Act, a Kentucky resident is de-

fined as any person who is residing in the State and has maintained a residence therein for a period of one (1) year or more continuously prior to application for admission to a hospital-school or for the benefit of services or facilities.

Section III. Persons shall be admitted to the hospital-schools or be eligible for said services or facilities only after diagnosis according to procedures approved for this purpose. The Advisory Board hereinafter provided for shall establish the diagnostic procedure for such admission.

The Department of Health shall avail itself of the services of other public or private commissions or agencies in determining any person's eligibility for admission to, or discharge from, the hospital-schools or such services and facilities and the type of care or treatment which should be rendered.

Section IV. The Department of Health shall call upon other Departments, Agencies or Commissions of the State for such services as they are equipped to render in the care of physically handicapped persons, and such Departments, Agencies or Commissions must render those services which are consistent with their legal and administrative responsibilities.

Section V. The Department of Health is authorized to accept, for the benefit or of such hospital-schools, gifts, devises, or bequests of property, real or personal, including grants from the federal government. The Department may exercise such powers with reference to the managment, sale, disposition, investment or control of property so given, devised, or bequeathed as may be deemed essential to its preservation and the purpose for which made. No contribution or grant shall be received or accepted if any condition is attached as to its use or administration other than it be used for aid to such hospital-schools as herein provided for.

Section VI. Persons found eligible for treatment or care in a hospital-school, or for the services and facilities rendered therein may be placed in already existing hospitals or schools, provided that such hospital or school meets the requirements of and is approved by the Advisory Board. The Department of

Health may pay for treatment, care, training, board, clothing and other necessities for any person so treated or cared for.

Section VII. There is created an Advisory Board which will consist of 15 persons and which shall be appointed by the Governor. The Advisory Board shall be composed at all times of 5 persons who are connected with official professional Agencies conerned with the care or training of severely physically handicapped persons; 5 persons who are afflicted with a severely or chronically physically handicapping diseases or who are parents of such a physically handicapped person; and 5 persons who are members of the general public.

In appointing the first board the Governor shall appoint five members to serve one, five members to serve two years and five members to serve three years. All members appointed thereafter shall be appointed for terms of three years, except when an appointment is made to fill a vacancy, in which case the appointment shall be made by the Governor for the remaining term of the position vacant.

The Advisory Board from time to time shall make recommendations to the Department of Health concerning the hospital-schools and the facilities and services provided herein.

The members of the Advisory Board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the administration of this Act. The Advisory Board shall elect its own chairman, establish rules of procedure consistent with this Act, and shall keep a record of all matters transpiring at all meetings. The Board shall hold regular meetings at least four times each year. Special meetings shall be held at the call of the chairman or any three members of the Board. All matters coming before the Board shall be decided by a majority vote of those present at any meeting.

Section VIII. The Superintendent of Public Instruction shall have the responsibility for supervision of the educational program offered by the Hospital-Schools to the same extent and in the same manner as he supervises the educational programs of public schools in this State.

Section IX. The Department of Health shall make all rules necessary for the administration of this Act, provided that such rules and regulations shall not be effective unless and until approved by the Advisory Board. The Board shall promptly review and act upon any rules or regulations promulgated by the Department and submitted to it for approval.

Section X. The sum of $750,000 is appropriated from the General Fund to the Department of Health for the purpose of carrying out the provisions of this Act.

Said bill was ordered printed and referred.

By Mr. Denney.

H. Res. No. 15. A JOINT RESOLUTION authorizing John M. Shepherd of Stearns, McCeary County, Kentucky, to sue the Commonwealth of Kentucky and the Kentucky State Hospital, Boyle County, Kentucky, or either.

Said resolution is as follows, viz:

WHEREAS, the Commonwealth of Kentucky, for the purpose of treating and confining mental patients, established the Kentucky State Hospital, Boyle County, Kentucky, and

WHEREAS, John M. Shepherd, Stearns, McCeary County, Kentucky, was on or about October 29, 1950, employed as an attendant at the said Kentucky State Hospital and while working as an attendant in said Hospital on or about May 28, 1951, at about 4:00 o'clock, A. M., in ward Number 26, a violent deranged mental patient began fighting, beating and crippling other patients in said ward and at said time and place, John M. Shepherd, an elderly man of sixty-one years of age, attempted to restrain the mental patient in such violent rage, and

WHEREAS, there were no other attendants on duty and no employees assigned to said ward, the said Shepherd took hold of the raging mental patient for the purpose of restraining said patient, and the said Shepherd was thereby thrown upon the floor in said ward and beaten and injured by said patient, and

WHEREAS, John M. Shepherd, the said attendant, did

there and then receive a broken hip, a compound fracture which required a six-inch silver plate to repair, and

WHEREAS, the said John M. Shepherd was not furnished any hospitalization by the Commonwealth of Kentucky, and by reason of his injuries, he incurred medical and doctor bills in the cities of Danville and Lexington, Kentucky, and

WHEREAS, the said injuries have left him a permanent cripple and caused him to lose his wages for many months and will greatly impair his earning capacity hereafter, and

WHEREAS, the Commonwealth of Kentucky does not have any Workmen's Compensation from which the said Shepherd may revice benefits, and he has not been paid anything for his medical and doctor expenses or anything for loss of his wages or for the permanent impairment of his earning power, and

WHEREAS, great damage has resulted to his family, all of which was brought about as a result of his injuries which he sustained in rendering a valuable public service in the employment of the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That John M. Shepherd of Stearns, McCreary County, Kentucky, be and is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Kentucky State Hospital, either or both of them, in the Boyle Circuit Court for such damages as he may have suffered and sustained by reason of his injuries, and upon the trial of said cause, if it should be proven that John M. Shepherd was injured at a time he was endeavoring to restrain a violent, raging and dangerous mental patient from inflicting wounds and harm upon other patient confined in the Kentucky State Hospital, then the moral and legal obligation of the Commonwealth of Kentucky, the Kentucky State Hospital, to compensate him, is hereby expressly recognized, acknowledged and validated, and the jury shall award such damages to him which is a direct and proxi-

mate result, he may have suffered or may hereafter suffer, by reason of such injuries occasioned by the rendition of a public service to the Commonwealth of Kentucky.

Section 2. The said sut of John M. Shepherd shall be for an amount not exceeding $10,000.00.

Section 3. The Attorney General is hereby authorized to compromise or settle this claim, and any settlement that may be so effected or any judgment that may be recovered shall be paid by the Department of Finance by a warrant drawn on the State Treasury and paid out of the General Fund.

Section 4. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court, of Appeals of Kentucky.

Said resolution was ordered printed and referred, to Committee on Claims.

By Mr. Jones.

H. B. 173. AN ACT concerning the development and promotion of the sheep industry in Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Agriculture, Labor and Statistics.

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(3) "Show, exhibition and sale" shall not include those held as a part of or in connection with any county or other local fair.

Section 2. It shall be the duty of the department to aid, encourage, foster and promote the development and improvement of the sheep industry in Kentucky. To that end, it shall be the duty of the department to promote, and assist in the

promotion of shows and sales of sheep in Kentucky with the object and purpose of maintaining Kentucky's national recognition as a sheep state for breeding, producing, raising, exhibition, showing and sale of sheep and for said purposes there hereby is appropriated out of the General Fund to the Department the sum of three thousand dollars ($3,000) for each of the fiscal years 1951-1952 and 1952-1953.

Section 3. From the appropriation made in Section 2 of this Act, one thousand dollars ($1,000) shall be used and applied in each of said fiscal years for the payment of premiums for district shows and sales which may be held in Kentucky in each of the fiscal years, 1951-1952 and 1952-1953 which is open on equal terms and conditions to all Kentucky 4-H Club members with a sheep project. One thousand dollars ($1,000) shall be used and applied in each fiscal year for the payment of premiums for district shows and sales which may be held in Kentucky in each of the fiscal years, 1951-1952 and 1952-1953 which is open on equal terms and conditions to all Kentucky Future Farmer members with a sheep project. One thousand ($1,000) shall be used and applied in each said fiscal years for the payment of premiums for district shows and sales which may be held in Kentucky in each of the fiscal years, 1951-1952 and 1952-1953 which is open on equal terms and conditions to all Kentucky adult sheep raisers in Kentucky. No Kentucky adult sheep raiser may show, exhibit or sell in more than one district show.

Section 4. Any show, exhibition and sale of sheep to be eligible to receive the aforesaid appropriations must provide that the entries in all classes must be open upon equal terms to all breeders of such sheep in Kentucky. The commissioner shall determine with respect to the aforesaid sheep which shows, exhibitions and sales in each year shall receive assistance and, in making such determination, he may consider such shows, exhibitions and sales as may have been held in Kentucky in any previous year and in any previous two-year period.

Said bill was ordered printed and referred.

By Mr. Baer.

H. B. No. 174. AN ACT relating to a study of the problem of Alcoholism in the State, providing for an Alcoholic Study Commission and for the furnishing of assistance and facilities by the Legislative Research Commission; and making an appropriation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. There is created a commission to be known as the Alcoholic Study Commission which shall consist of not more than eleven members to be appointed by the Governor immediately after the effective date of this Act. The Governor shall name one of the members of the Commission as chairman.

Sec. 2. The Alcoholic Study Commission in conjunction with the Legislative Research Commission shall make a comprehensive study on the problem of alcoholism in the State, the existing methods and facilities for treatment, the present program for public education on alcoholism and the present status of the laws of the State in regard to alcoholism.

Sec. 3. The Legislative Research Commission is authorized and directed to secure and provide adequate facilities, services and assistance to enable the Alcoholic Study Commission to carry out the object and purposes of this Act.

Sec. 4. The Alcoholic Study Commission in conjunction with the Legislative Research Commission shall prepare and submit to the Governor at such an early date as is consistent with the purposes of this Act a report of the result of its study and survey, with recommendations, for the use and benefit of the General Assembly when next in session.

Sec. 5. The members of the Alcoholic Study Commission shall receive no compensation for their services but may be reimbursed for actual and necessary expenses incurred in the performances of the functions of the Commission. The Commision shall meet from time to time upon call of the chairman at a time and place designated in the call, and shall meet at

the request of the Governor at such times and places as designated by him. The Commission shall continue in existence until such time when its duties shall be complete but in no event beyond December 31, 1953.

Sec. 6. To carry out the purposes of this Act there is appropriated to the Legislative Research Commission out of the General Expenditure fund in the State Treasury the sum of ten thousand dollars which sum shall be available during the 1952-53 fiscal year and, without lapse, during the 1953-54 fiscal year. Authorized expenses and expenditures of the Alcoholic Study Commission may be paid out of the appropriation on vouchers approved by the Director of the Legislative Research Commission.

Said bill was ordered printed and referred.

By Mr. Sheehan.

H. B. No. 175. AN ACT concerning equipment of vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All motor trucks and semi-trailer trucks shall be equipped with mud guards of such design and material as will efficiently decrease the amount of mud and spray thrown into the air by the tires of such vehicles.

Section 2. Any person who violates the provisions of Section 1 of this Act shall be fined not less than ten dollars nor more than one hundred for each offense.

Said bill was ordered printed and referred.

Mr. Hale moved that the rules be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Hale moved that the Chairman of the Mines, Oils & Minerals Committee, hold a public hearing on H. B. No. 10, Thursday, January 31, 1952.

Said motion was agreed to.

Mr. Meadows moved that all bills in the hands of the Committee on Mines, Oils and Minerals be taken up at the same hearing as on H. B. No. 10.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills and a resolution, originating in that body as follows, viz:

S. Res. No. 5. A Joint Resolution petitioning Congress to provide for the canalization of the Big Sandy River.

Said resolution is as follows, viz:

WHEREAS, the general welfare of Eastern Kentucky is dependent upon the full scale operation of the coal industry in that section of the State, and

WHEREAS, all the people of the State of Kentucky benefit from the economic well-being of any of its sections, and

WHEREAS, the coal industry in the Big Sandy Valley of Eastern Kentucky is at a distinct disadvantage in competing with coal producing regions of some other states, which are able to ship their coal to market by river as well as other means of transportation, and

WHEREAS, widespread unemployment has developed in the Big Sandy Valley due to this situation, and

WHEREAS, the building of a series of locks and dams on the Big Sandy River would provide a new means of transportation for coal from that area, thereby putting the valley in an equal competitive situation with that of other areas, and

WHEREAS, the U. S. Corps of Engineers has recommended the canalization of the Big Sandy River as being a project worthy of construction by the Federal Government:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The U. S. Congress is hereby requested to appropriated funds to begin the construction of locks and dams on the Big

Sandy River, so as to provide a stage of water which will make possible year-round transportation on that river. The Congress is requested to make such funds available immediately to the U. S. Corps of Engineers, so that construction of locks and dams can begin during the year 1953.

Said resolution was ordered printed and referred.

S. B. No. 11. AN ACT to amend Section 23.050 (36) Kentucky Revised Statutes 1950 Edition insofar as it relates to the time of holding the terms of circuit court in the 36th Judicial District, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 23.050 (36) of Kentucky Revised Statutes, 1950 Edition, be and the same is amended with reference to the 36th Judicial District of Kentucky, and such section as amended shall read as follows:

(36) Thirty-sixth District. Knott County at Hindman, on the first Monday in February, twenty-four juridical days; on the third Monday in April, eighteen juridical days; on the fourth Monday in August, eighteen juridical days, and on the second Monday in November, 30 juridical days.

Magoffin County, at Salyersville, on the second Monday in March, twenty-four juridical days; on the second Monday in June, eighteen juridical days, and on the fourth Monday in September, eighteen juridical days.

In order that no term of court in the 36th District as now fixed by law may be interrupted or interferred with while in session, and so that it may be known well in advance when this said Act shall become effective, it is provided that this Act shall be in effect on and after the first day of November, 1952.

Said bill was ordered printed and referred.

S. B. No. 17. AN ACT abolishing the position of Deputy Constable, except in counties containing a city of the first or second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 70.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The appointment of deputy constables shall be authorized only in counties containing a first or second class city. In such counties each constable may appoint one or more deputies by and with the consent of the county judge. The constable and his surety shall be liable on his bond for all the acts and omissions of his deputies. Deputy constables must be residents of the same district as the constable by whom they are appointed.

(2) Deputy constables may be removed at any time, for any cause deemed sufficient by the constable, by order of the county court, entered after the filing of a written direction by the constable.

(3) In counties containing a population of over two hundred and fifty thousand, each deputy constable appointed by the constable shall be exclusively compensated for the performance of the duties of his office by a salary of twenty-one hundred dollars per annum and paid in equal monthly installments out of the county treasury.

2. This Act shall take effect on January 1, 1954.

Said bill was ordered printed and referred.

S. B. No. 21. AN ACT relating to the time for holding sessions of Circuit Court in the 37th Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (3) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each

county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

* * * * *

Thirty-seventh District. Elliott County, at Sandy Hook, on the first Monday in February, the first Monday in May and the first Monday in October, twelve juridical days each.

Morgan County, at West Liberty, on the third Monday in February, the third Monday in May and the third Monday in October, twelve juridical days each.

Carter County, at Grayson, on the first Monday in March, the first Monday in June and the second Monday in November, twenty-four juridical days each.

Section 2. This Act shall take effect on September 1, 1952.

Said bill was ordered printed and referred.

S. B. No. 45. AN ACT relating to the time of holding the regular terms of court for the 8th Circuit Court District, composed of Allen and Warren Counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 23.050, the introductory phrase thereof and subsection (8) of the Kentucky Revised Statutes is amended to read as follows:

TERMS OF COURT. The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed.

* * * * *

(8) EIGHTH DISTRICT. Allen County, at Scottsville, on the fourth Monday of January, on the fourth Monday of April and on the fourth Monday in September; eighteen juridical days each.

Warren County, at Bowling Green, on the first Monday in January, eighteen juridical days; on the third Monday in February; thirty-six juridical days; on the first Monday in April; eight-

een juridical days; on the third Monday in May, thirty-six juridical days; on the first Monday in September, eighteen juridical days; on the third Monday in October, thirty-six juridical days.

Said bill was ordered printed and referred.

Mr. Meadows moved that the rules of the House be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Meadows moved that an open hearing be held on Tuesday, February 5, 1952, at 10:00 o'clock a.m. on all bills that have been referred to the Committee on Mines, Oils & Minerals.

Said motion was agreed to.

COMMITTEE REPORTS

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 22. AN ACT relating to the revocation on suspension of alcoholic beverage licenses; amending section 243.500 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 42. AN ACT relating to the reappraisal of property for ad valorem taxes in cities, counties and other taxing districts.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 55. AN ACT concerning pay of jurors.

With the expression that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. R. No. 8. A RESOLUTION concerning the naming of the body of water impounded by Wolf Creek Dam.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. R. No. 9. A JOINT RESOLUTION memorializing Congress to continue to maintain and operate certain improvements in the Kentucky River.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 101. AN ACT relating to the trust and agency fund of the Metal Stamping Plant in the Department of Welfare.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 115. AN ACT permitting the creation of a County Police Force Merit System, providing for the establishment of a Merit Board and defining its powers and duties, and defining its powers and duties, and providing for the classification, qualification, examination, appointment, tenure, promotion, demotion, fine, suspension, discipline, immunities and removal of police personnel, prohibiting certain defined political activities and repealing laws in conflict.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 26. AN ACT relating to credits on qualifying examinations for public office or employment, for physically handicapped persons.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 96. AN ACT relating to election precincts, amending section 116.180 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 97. AN ACT relating to voting procedure, amending section 118.280 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 99. AN ACT relating to support of children, amending section 405.020 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 95. AN ACT relating to qualification, registration and purgation of voters.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 98. AN ACT relating to absent voting, amending sections 126.160, 126.170 and subsection (3) of section 126.270 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 24. AN ACT relating to state aid for district tuberculosis sanatoria, amending section 215.320 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committe on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 100. AN ACT relating to the Department of Welfare, including smoking regulations in the Penal Institutions and Houses of Reform.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 70. AN ACT relating to fertilizer.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William T. Wathen, Chairman on the Committee of Cities of the Fourth Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 4. AN ACT changing the classification of the City of Elsmere, in Kenton County.

With the expresion of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 33. AN ACT relating to filled milk.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 80. AN ACT concerning agricultural seeds.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 74. AN ACT relating to the Workman's Compensation Act authorizing the Tuberculosis Sanatoria Commission to elect to come under the provisions of the Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The State Tuberculosis Sanatoria Commission may elect coverage under the Workman's Compensation Laws for all employees under its control and supervision.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Sidney Baer	R. O. Blevins
Dr. John Adkins, Jr.	John Rhea Banton	J. C. Bradley
Henry Arrowood	Clarence J. Barnum	Ed. T. Breathitt
Everett J. Bach	Owen Billington	Edward O. Bridgers

Thomas L. Britton	E. R. Hilton	Amos Runyon
Mrs. Mary E. Burnete	William M. Horn	Cecil Sanders
Alex H. Calvert	Paul S. Jonas	Clem Schroader
Walter J. Chyle, Jr.	William L. Jones	Gus F. Sheehan, Jr.
Marvin A. Cornett	Jennings Kearby	Dr. B. F. Shields
Josh R. Cosby	Jesse H. Lawrence	John A. Sloan
Charles M. Crowe	Paul M. Lewis	E. A. Spencer
J. C. Denney, Jr.	Mrs. J. T. Linton	Mrs. Thelma Stovall
C. E. Dowell	Harry K. Lowman	E. H. (Ted) Stumbo
James A. Dressman, Jr.	William Maglinger	Egbert V. Taylor
Thomas R. Duncan	Shelby McCallum	Albert Thomason
R. L. Dunigan	Russell L. Meadows	William F. Threlkeld
Jack Early	Tom Mobley	Marion Vance
Harold Edwards	Robert H. Moore	J. B. Veech
William Engle	Walter R. Moorman	Eulick (Mike) Walsh
Roscoe Estep	Fred H. Morgan	Wm. Thos. Wathen
Herbert Fern	Earl F. Murphy	L. M. Weathers
Leslie Gay	Thomas J. Murphy	W. W. Webster
Henry J. Giles	Ewin C. Neville	Hicks Wells
Chas. M. Greene	Bart N. Peak	William B. Wells
Henry C. Hale	Louis T. Peniston	W. A. (Pete) Wickliffe
Eugene B. Hancock	Hobart Rayburn	Charles W. Wirsch
John Head	Tipton Reed	Walker H. Wiseman
Farmer Helton	J. F. Robinson	Garrett L. Withers
William K. Henry	Earl Rogers	Charles W. Burnley,
Thomas D. Hewlett	Joe Rouse	Speaker
Henry R. Heyburn	Carl J. Ruh	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 73. AN ACT relating to the Kentucky Water Pollution Control Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 220.600 of the Kentucky Revised Statutes is amended to read as follows:

220.600 WATER POLLUTION CONTROL COMMISSION; CREATION; MEMBERSHIP; COMPENSATION; ORGANIZATION; MEETINGS.

(1) For the purpose of carrying out the provisions of KRS 220.580 to 220.650, there is hereby created in the Department of Health a Water Pollution Control Commission.

(2) The Commission shall consist of the Commissioner of Health, the Commissioner of Conservation, the Attorney General, the Director of the Division of Game and Fish, and two citizens of the Commonwealth to be appointed for terms of four years each, by the Governor, one of whom shall be selected from groups representative of industrial management, and one from groups representative of municipalities. Vacancies shall be filled from the unexpired portion of any term in the same manner as an original appointment. Each of the officers of the Commonwealth hereby made a member of the commission may by written order filed with the secretary of the commission, designate a deputy or other representative in his department to serve in his stead and to perform his duties as a member of the commission in his absence. Such designation shall be deemed temporary only and shall not affect the merit system or retirement rights of any person so designated.

(3) No salary or other compensation shall be allowed any member of the commission but each member may be reimbursed for actual and necessary expenses incurred in the performance of his official duties.

(4) *At its first regular meeting in each calendar year, the commission shall select a chairman and a vice chairman for the ensuing year. The commission may employ an executive director who shall serve as technical secretary and administrative agent of the Commission.*

During the interim between meetings, he shall perform in the name of the commission such functions and duties and shall exercise such authority of the commission as the commission may by resolution delegate to him. The commission may employ such technical, stenographic, clerical and other assistance as may be required in order to carry out the provisions of KRS 220.580 to 220.650, may define their powers and duties and may fix their compensation which shall be paid out of the Treasury of the Commonwealth, out of appropriations available for that purpose, upon requisition of the commission.

(5) Technical, scientific, legal or other services required by the commission shall be performed, insofar as practicable, by personnel of the Department of Health, the Department of Conservation, the Division of Game and Fish and other state departments, without additional compensation, but the commission may employ such other personnel as may be necessary to carry out the provisions of KRS 220.580 to 220.650. The Commission may request and receive the assistance of any state or municipal educational institution, experiment station, laboratory or other agency when it is deemed necessary or beneficial by the commission to carry out the provisions of KRS 220.580 to 220.650. The Division of Game and Fish is authorized, out of its receipts, to make contributions to the commission for its program.

(6) The commission shall hold regular meetings at least once in every two months, the time and place of which shall be determined by the commission. Special meetings may be called by the chairman or by two members of the commission by delivery to the office of each member of the commission of a written notice thereof at least five days in advance of the date of any such meeting. Three members of the commission shall constitute a quorum at any meeting. The commission shall establish bylaws for the conduct of its meeting and shall keep an accurate record of all of its proceedings.

Mr. Lowman offered the following amendment to said bill, viz:

Amendment No. 1.

Amend printed copy of House Bill No. 73 on page 2 and 3,

section _____, line 32 through 62 by striking out all of subsections (4) and (5) and inserting in lieu therefore the following:

(4) The commission shall select one of its members as a chairman and another member as vice chairman at its first regular meeting in each calendar year. The commissioner of health shall be the secretary of the commission, and may employ an executive director and such technical and other personnel as may be required in order to carry out the provisions of this act and the policies of the commission, and may define their powers and duties and fix their compensation. During the interim between meetings, the commissioner of health may perform in the name of the commission such functions and duties and may exercise such authority of the commission as the commission may delegate to him, or he may delegate such functions, duties and authority to the executive director.

(5) Technical, scientific, legal or other services required by the commission shall be furnished insofar as practicable, by the Department of Health, the Department of Conservation, the Division of Game and Fish and other state departments, without additional compensation. The commission may request and receive the assistance of any state or municipal educational institution,, experiment station, laboratory or other agency when it is deemed necessary or beneficial by the commission to carry out the provisions of KRS 220.580 to 220.650. The Division of Game and Fish is authorized, out of its receipts, to make contributions to the commission for its program.

Said amendment was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Henry J. Giles	Hobart Rayburn
Henry Arrowood	Henry C. Hale	Tipton Reed
Everett J. Bach	Eugene B. Hancock	Joe Rouse
Sidney Baer	John Head	Carl J. Ruh
John Rhea Banton	William K. Henry	Amos Runyon
Clarence J. Barnum	Farmer Helton	Cecil Sanders
Owen Billington	Thomas D. Hewlett	Clem Schroader
R. O. Blevins	Henry R. Heyburn	Gus F. Sheehan, Jr.
J. C. Bradley	E. R. Hilton	Dr. B. F. Shields
Ed. T. Breathitt	Chester J. Holsclaw	John A. Sloan
Edward O. Bridgers	William M. Horn	E. A. Spencer
Thomas L. Britton	Paul S. Jonas	Mrs. Thelma Stovall
Mrs. Mary E. Burnete	William L. Jones	E. H. (Ted) Stumbo
Alex H. Calvert	Jennings Kearby	Egbert V. Taylor
Walter J. Chyle, Jr.	Jesse H. Lawrence	Albert Thomason
Marvin A. Cornett	Paul M. Lewis	Wm. F. Threlkeld
Josh R. Cosby	Mrs. J. T. Linton	Marion Vance
Charles M. Crowe	Harry K. Lowman	J. B. Veech
J. C. Denney, Jr.	Shelby McCallum	Eulick (Mike) Walsh
C. E. Dowell	Russell L. Meadows	Wm. Thos. Wathen
James A. Dressman, Jr.	Tom Mobley	L. M. Weathers
Thomas R. Duncan	Robert H. Moore	W. W. Webster
R. L. Dunigan	Walter R. Moorman	Hicks Wells
Jack Early	Fred H. Morgan	William B. Wells
Harold Edwards	Earl F. Murphy	W. A. (Pete) Wickliffe
William Engle	Thomas J. Murphy	Charles W. Wirsch
Roscoe Estep	Ewin C. Neville	Walker H. Wiseman
Herbert Fern	Bart N. Peak	Garrett L. Withers
Leslie Gay	Louis T. Peniston	—86

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 72. AN ACT relating to births and deaths, amending section 213.150 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 213.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each local registrar shall be entitled to receive the sum of fifty cents, and each physician or midwife shall be entitled to receive the sum of twenty-five cents, for each birth certificate and for each death certificate properly and correctly filled out, signed, and registered with or reported by him and correctly copied and duly returned to the Division of Vital Statistics. In case no births or deaths are registered during any month, the local registrar shall be entitled to receive the sum of twenty-five cents for each report to that effect promptly made in accordance with this chapter.

(2) All amounts payable to local registrars, physicians and midwives under this section, shall be paid by the treasurer of the county in which the registration district is located upon certification by the Division of Vital Statistics.

(3) The Division of Vital Statistics shall certify, at least annually to the treasurers of the several counties the number of births and deaths registered together with the names of the local registrars, physicians and midwives entitled to fee prescribed by this section, and the amount due each at the rate fixed herein.

(4) No local registrar, physician, midwife, sexton or undertaker shall charge or collect from any member of a family in which a birth or death occurs, any fee for complying with the provisions of this chapter.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	R. Josh Cosby	E. R. Hilton
Henry Arrowood	J. C. Denney, Jr.	Ray Holbrook
J. Everett Bach	C. E. Dowell	Chester J. Holsclaw
Sidney Baer	James A. Dressman, Jr.	Paul S. Jonas
John Rhea Banton	Thomas R. Duncan	William L. Jones
Clarence J. Barnum	Harold Edwards	Paul M. Lewis
Owen Billington	William Engle	Mrs. J. T. Linton
R. O. Blevins	Herbert Fern	Harry K. Lowman
J. C. Bradley	Henry J. Giles	Shelby McCallum
Ed. T. Breathitt	Henry C. Hale	Russell L. Meadows
Edw. O. Bridgers	Eugene B. Hancock	Tom Mobley
Mrs. Mary E. Burnete	William K. Henry	Robert H. Moore
Alex H. Calvert	Thomas D. Hewlett	Fred H. Morgan
Marvin A. Cornett	Henry R. Heyburn	Earl F. Murphy

Thomas J. Murphy	Gus F. Sheehan, Jr.	Wm. Thos. Wathen
Ewin C. Neville	Dr. B. F. Shields	L. M. Weathers
Louis T. Peniston	Mrs. Thelma Stovall	Hicks Wells
J. F. Robinson	E. H. (Ted) Stumbo	William B. Wells
Joe Rouse	Wm. F. Threlkeld	W.A.(Pete)Wickliffe
Carl J. Ruh	Marion Vance	Walker H. Wiseman
Amos Runyon	J. B. Veech	Garrett L. Withers
Cecil Sanders	Eulick (Mike) Walsh	—65

Those who voted in the negative were—

Bill Adams	Jennings Kearby	John A. Sloan
Thomas L. Britton	Walter R. Moorman	E. A. Spencer
Charles M. Crowe	Bart N. Peak	Egbert V. Taylor
R. L. Dunigan	Hobart Rayburn	Albert Thomason
Jack Early	Tipton Reed	Charles W. Wirsch
Leslie Gay	Earl Rogers	
Charles M. Greene	Clem Schroader	—19

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 69. AN ACT relating to income taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 141.020 of the Kentucky Revised Statutes is amended to read as follows:

An annual tax shall be paid for each taxable year by every resident individual of this state, upon his entire net income as defined in this chapter for purposes of taxation, at the following rates, less the tax credits as authorized by KRS 141.060:

(a) Two per cent of the amount of net income not exceeding three thousand dollars.

(b) Three per cent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars.

(c) Four per cent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars.

(d) Five per cent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars.

(e) Six per cent of the amount of net income in excess of eight thousand dollars.

Section 2. Section 141.040 of the Kentucky Revised Statutes is amended to read as follows:

Every corporation organized under the laws of this state and every foreign corporation doing business in this state, or deriving income from activities or other sources in this state, except state and national banks and trust companies, building and loan associations organized under the laws of this state and under the laws of this state and under the laws of the United States and making loans to members only, insurance companies, including farmers' or other mutual hail, cyclone, windstorm or fire insurance companies, insurers and reciprocal underwriters, and religious, educational, charitable and other corporations not organized or conducted for pecuniary profit, shall pay for each taxable year a tax to be computed by the Department of Revenue upon the entire net income of the corporation derived from business done, property located, activities or sources in this state. This tax shall be at the rate of four and one-half per cent of the entire net income of the corporation, or the portion thereof taxable within this state, determined as provided in this chapter.

Section 3. Section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The taxes due as computed under the provisions of KRS 141.020 or under the provisions of KRS 141.025 shall be credited with the following amounts:

(a) Twenty dollars, in the case of an unmarried individual;

(b) Forty dollars, in the case of a married individual, living with husband or wife and in the case of a head of a family. If such husband and wife make separate returns, the tax credit allowed by this subsection may be taken by either or divided between them;

(c) Ten dollars for each person, other than husband or wife, or the first dependent of a head of a family, dependent upon and receiving more than fifty per cent of his support from the taxpayer during the taxable year for which the return is filed, if the dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

Section 4. Section 141.180 of the Kentucky Revised Statutes is amended and reinacted to read as follows:

(1) Every individual having for the taxable year a net income of one thousand dollars or over or a gross income of fifteen hundred dollars or over, if single, or if married and not living with husband or wife; and every married individual living with husband or wife whose net income combined with the net income of his or her spouse exceeds two thousand dollars, or whose gross income combined with the gross income of his or her spouse exceeds twenty-five hundred dollars, shall make to the Department of Revenue a return stating specifically the items which he claims as deductions and tax credits allowed by this chapter. If the individual is unable to make his own return, the return shall be made by a duly authorized agent.

(2) A husband and wife not living together shall make separate returns. A husband and wife living together may make a joint return, or may make separate returns.

(3) An optional return properly filed under the provisions of KRS 141.025 shall be deemed sufficient to satisfy the provisions of this section.

(4) Each individual return shall be verified by a written declaration that it is made under the penalties of perjury.

Section 5. The provisions of this act shall be effective with

respect to individuals and corporations reporting under the provisions of Chapter 141 of the Kentucky Revised Statutes on a calendar year basis beginning January 1, 1952, and with respect to individuals and corporations reporting on a fiscal year basis with the first fiscal year that begins on or after January 1, 1952.

Section 6. Sections 141.250, 141.260 and 141.270, of the Kentucky Revised Statutes are hereby repealed.

Mr. Lowman offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of House Bill No. 69 on page 3, section 3, line 1, by inserting the expression "subsection (1) of" before the words "Section 141.060."

Said amendment was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	John Rhea Banton	Ed. T. Breathitt
Henry Arrowood	Clarence J. Barnum	Edw. O. Bridgers
J. Everett Bach	Owen Billington	Mrs. Mary E. Burnete
Sidney Baer	J. C. Bradley	Alex H. Calvert

Marvin A. Cornett	Ray Holbrook	Hobart Rayburn
R. Josh Cosby	Chester J. Holsclaw	Tipton Reed
C. E. Dowell	William M. Horn	Joe Rouse
Thomas R. Duncan	Jennings Kearby	Amos Runyon
R. L. Dunigan	Jesse H. Lawrence	Cecil Sanders
Jack Early	Paul M. Lewis	Dr. B. F. Shields
Harold Edwards	Mrs. J. T. Linton	Mrs. Thelma Stovall
William Engle	Harry K. Lowman	E. H. (Ted) Stumbo
Roscoe Estep	Shelby McCallum	Egbert V. Taylor
Herbert Fern	Russell L. Meadows	Wm. F. Threlkeld
Wm. P. Friedlander	Tom Mobley	Marion Vance
Leslie Gay	Robert H. Moore	J. B. Veech
Henry J. Giles	Walter R. Moorman	Eulick (Mike) Walsh
Charles M. Greene	Fred H. Morgan	Wm. Thos. Wathen
Henry C. Hale	Earl F. Murphy	L. M. Weathers
Eugene B. Hancock	Thomas J. Murphy	Hicks Wells
William K. Henry	Ewin C. Neville	William B. Wells
Thomas D. Hewlett	Bart N. Peak	W.A.(Pete)Wickliffe
E. R. Hilton	Louis T. Peniston	Walker H. Wiseman

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Those who voted in the negative were—

Bill Adams	Farmer Helton	Clem Schroader
Thomas L. Britton	Henry R. Heyburn	Gus F. Sheehan, Jr.
Walter J. Chyle, Jr.	Paul S. Jonas	John A. Sloan
Charles M. Crowe	J. F. Robinson	E. A. Spencer
J. C. Denney, Jr.	Earl Rogers	Charles W. Wirsch
James A. Dressman, Jr.	Carl J. Ruh	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 62. AN ACT relating to narcotic drugs, amending section 218.210 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 218.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who sells, supplies, prescribes, administers, dispenses or furnishes, or causes to be sold, supplied, prescribed, administered, dispensed or furnished, any narcotic drug in violation of this chapter to a person under twenty-one years of age, shall be guilty of a felony and shall be fined not more than five thousand dollars and confined in the penitentiary for not less than twenty years, and may be so confined for a longer period or for life.

(2) Any person who violates any provision of this chapter, for which a specific penalty is not otherwise provided, except KRS 218.250, shall be guilty of a felony and shall, for the first offense, be punished by confinement in the penitentiary for not less than two years nor more than five years or by a fine of not less than one thousand dollars nor more than five thousand dollars, or both, and, for each subsequent offense, be punished by confinement in the penitentiary for not less than five years nor more than twenty years, and by a fine of not more than five thousand dollars.

(3) No court or judge thereof, shall, pursuant to KRS 439.020 to 439.060 or otherwise, postpone or suspend judgment or sentence or probate a defendant when the defendant has pleaded guilty to or been convicted of selling, supplying, prescribing, administering, dispensing or furnishing, or causing to be sold, supplied, prescribed, administered, dispensed or furnished, any narcotic drug in violation of this chapter to a person under twenty-one years of age, or when the defendant has previously pleaded guilty to or been conviced of a violation of any of the other provisions of this chapter, except KRS 218.250, or has previously pleaded guilty to or been convicted of a violation of any of the narcotic laws of the United States of America or any state or territory thereof.

(4) Whenever a person charged with a violation of subsection (1) of KRS 218.250 waives a jury, the court or judge thereof may, upon the defendant pleading or being found guilty, sentence the defendant to imprison- for any period of time not exceeding twelve months without the intervention of a jury. Notwithstanding the provisions of subsection (2) of KRS 218.250, no court or judge thereof shall, pursuant to KRS 439.020 to 439. 060 or otherwise, postpone or suspend judgment or sentence or probate a defendant when the defendant has pleaded guilty to or been convicted of a violation of KRS 218.250 unless the defendant consents to enter and forthwith enters an institution approved by the court for the treatment of narcotic addicts and remains therein until discharged by said institution; failure of the defendant to do so shall automatically revoke his probation and require the prompt entry of judgment and service of sentence in the county jail.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Henry Arrowood	Sidney Baer
Dr. John Adkins, Jr.	J. Everett Bach	John Rhea Banton

Clarence J. Barnum	Eugene B. Hancock	Hobart Rayburn
Owen Billington	Farmer Helton	Tipton Reed
William W. Blanton	William K. Henry	J. F. Robinson
J. C. Bradley	Thomas D. Hewlett	Earl Rogers
Ed. T. Breathitt	Henry R. Heyburn	Joe Rouse
Edw. O. Bridgers	E. R. Hilton	Carl J. Ruh
Thomas L. Britton	Ray Holbrook	Amos Runyon
Mrs. Mary E. Burnete	Chester J. Holsclaw	Cecil Sanders
Alex H. Calvert	William M. Horn	Clem Schroader
Walter J. Chyle, Jr.	Paul S. Jonas	Gus F. Sheehan, Jr.
Marvin A. Cornett	William L. Jones	Dr. B. F. Shields
R. Josh Cosby	Jennings Kearby	John A. Sloan
Charles M. Crowe	Jesse H. Lawrence	E. A. Spencer
J. C. Denney, Jr.	Paul M. Lewis	Mrs. Thelma Stovall
C. E. Dowell	Mrs. J. T. Linton	E. H. (Ted) Stumbo
James A. Dressman, Jr.	Harry K. Lowman	Albert Thomason
Thomas R. Duncan	William Maglinger	Wm. F. Threlkeld
R. L. Dunigan	Shelby McCallum	Marion Vance
Jack Early	Russell L. Meadows	J. B. Veech
Harold Edwards	Tom Mobley	Eulick (Mike) Walsh
William Engle	Robert H. Moore	Wm. Thos. Wathen
Roscoe Estep	Walter R. Moorman	L. M. Weathers
Herbert Fern	Fred H. Morgan	Hicks Wells
Wm. P. Friedlander	Earl F. Murphy	William B. Wells
Leslie Gay	Thomas J. Murphy	W. A. (Pete) Wickliffe
Henry J. Giles	Ewin C. Neville	Charles W. Wirsch
Charles M. Greene	Bart N. Peak	Walker H. Wiseman
Henry C. Hale	Louis T. Peniston	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 66. AN ACT concerning inheritance taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 140.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be free from any tax under the preceding provisions of this chapter the following inheritable interests:

(a) Wife or infant child by blood or a child by blood who has been declared incompetent by a court of competent jurisdiction, $30,000;

(b) All other persons of Class A, under KRS 140.070, $5,000;

(c) All persons of Class B, under KRS 140.070, $1,000; and

(d) All persons of Class C, under KRS 140.070, $500.

Mr. Henry moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Leslie Gay	Bart N. Peak
Dr. John Adkins, Jr.	Henry J. Giles	Louis T. Peniston
Henry Arrowood	Charles M. Greene	Hobart Rayburn
J. Everett Bach	Henry C. Hale	Tipton Reed
Sidney Baer	Eugene B. Hancock	J. F. Robinson
John Rhea Banton	Farmer Helton	Earl Rogers
Clarence J. Barnum	William K. Henry	Joe Rouse
Owen Billington	Thomas D. Hewlett	Carl J. Ruh
William W. Blanton	Henry R. Heyburn	Amos Runyon
J. C. Bradley	E. R. Hilton	Cecil Sanders
Ed. T. Breathitt	Ray Holbrook	Gus F. Sheehan, Jr.
Edw. O. Bridgers	William M. Horn	Dr. B. F. Shields
Thomas L. Britton	Paul S. Jonas	John A. Sloan
Mrs. Mary E. Burnete	William L. Jones	Mrs. Thelma Stovall
Alex H. Calvert	Jennings Kearby	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Jesse H. Lawrence	Egbert V. Taylor
Marvin A. Cornett	Paul M. Lewis	Albert Thomason
R. Josh Cosby	Mrs. J. T. Linton	Wm. F. Threlkeld
J. C. Denney, Jr.	Harry K. Lowman	Marion Vance
C. E. Dowell	Shelby McCallum	J. B. Veech
James A. Dressman, Jr.	Russell L. Meadows	Eulick (Mike) Walsh
Thomas R. Duncan	Tom Mobley	Wm. Thos. Wathen
Jack Early	Robert H. Moore	L. M. Weathers
Harold Edwards	Walter R. Moorman	Hicks Wells
William Engle	Fred H. Morgan	William B. Wells
Roscoe Estep	Earl F. Murphy	W. A. (Pete) Wickliffe
Herbert Fern	Thomas J. Murphy	Charles W. Wirsch
Wm. P. Friedlander	Ewin C. Neville	Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 68. AN ACT to repeal, amend and re-enact Section 382.300, Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 382.300, Kentucky Revised Statutes, be repealed, amended so as to add the following section (2) and re-enacted, so that same, when re-enacted, shall read as follows:

(1) Every county clerk shall record all deeds, mortgages and powers of attorney that are lodged for record, properly certified, or that are acknowledged or proved before his as required by law. He shall also record the certificates endorsed on such instrument, and shall certify the time when the instrument was lodged in his office for record. If acknowledged or proved before him, he shall also certify the time of acknowledgment or proof, and by whom proved, and that the instrument and the certificate thereon have been duly recorded in his office.

(2) Whenever, either heretofore or hereafter, any recordable instrument of writing bearing the certificate of the clerk showing its recording shall have been copied of record by any photographic, photocopying, or other mechanical process for reproducing on the record the instrument and certificate, the clerk's signature, by either the clerk or his deputy, so reproduced with such certificate shall have the same effect as if subscribed by the clerk on the record.

Mr. Horn moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Henry C. Hale	Earl F. Murphy
Henry Arrowood	Eugene B. Hancock	Thomas J. Murphy
J. Everett Bach	Farmer Helton	Bart N. Peak
Sidney Baer	William K. Henry	Tipton Reed
John Rea Banton	Thomas D. Hewlett	Joe Rouse
Clarence J. Barnum	Henry R. Heyburn	Carl J. Ruh
Owen Billington	E. R. Hilton	Amos Runyon
William W. Blanton	Ray Holbrook	Cecil Sanders
Ed. T. Breathitt	Chester J. Holsclaw	Dr. B. F. Shields
Mrs. Mary Burnett	William M. Horn	Mrs. Thelma Stovall
Alex H. Calvert	Paul S. Jonas	E. H. (Ted) Stumbo
Marvin A. Cornett	William L. Jones	Egbert V. Taylor
R. Josh Cosby	Paul M. Lewis	Wm. F. Threlkeld
J. C. Denney, Jr.	Mrs. J. T. Linton	J. B. Veech
C. E. Dowell	Harry K. Lowman	Eulick (Mike) Walsh
J. A. Dressman, Jr.	William Maglinger	Wm. Thos. Wathen
Thomas R. Duncan	Shelby McCallum	L. M. Weathers
Jack Early	Russell L. Meadows	Hicks Wells
Harold Edwards	Tom Mobley	William B. Wells
William Engle	Robert H. Moore	W.A.(Pete)Wickliffe
Roscoe Estep	Walter R. Moorman	Walker H. Wiseman
Wm. P. Friedlander	Fred H. Morgan	Garrett L. Withers

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Those who voted in the negative were—

Bill Adams	Jennings Kearby	John A. Sloan
Walter J. Chyle, Jr.	Ewin C. Neville	Albert Thomason
Herbert Fern	Louis T. Peniston	Marion Vance
Leslie Gay	J. F. Robinson	Charles W. Wirsch
Henry J. Giles	Earl Rogers	

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Resolved that the title thereof be as aforesaid.

Mr. Horn moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day H. Res. 4 of the following title, viz:

H. Res. No. 4. A JOINT RESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

Mr. Lowman moved that H. Res. No. 4 be recommitted to the Committee on Committees, for the reason that a S. Res. concerning the same matter has reached the House.

Said motion was agreed to.

REFERAL OF BILLS

House Bill No. 117—Revenue & Taxation

House Bill No. 118—Kentucky Statutes No. 2

House Bill No. 119—Cities of Second Class

House Bill No. 120—Cities of Second Class

House Bill No. 122—Education

House Bill No. 123—Courts & Legal Procedures

House Bill No. 124—Kentucky Statutes No. 2

House Bill No. 125—Education

House Bill No. 126—Oils, Mines & Minerals

House Bill No. 127—Cities of Second Class

House Bill No. 128—Kentucky Statutes No. 2

House Bill No. 129—State Fair

House Bill No. 130—Education

House Bill No. 131—Courts & Legal Procedures

House Bill No. 132—Courts & Legal Procedures

House Bill No. 133—Motor Transportation

House Bill No. 134—Kentucky Statutes No. 2

House Bill No. 135—Oils, Mines & Minerals

House Bill No. 136—Kentucky Statutes No. 1

House Bill No. 138—Agriculture

House Bill No. 139—Agriculture

House Bill No. 140—Kentucky Statutes No. 2

House Bill No. 141—Kentucky Statutes No. 2

House Bill No. 142—Kentucky Statutes No. 2

House Bill No. 143—Agriculture

House Bill No. 144—Kentucky Statutes No. 2

House Bill No. 145—Kentucky Statutes No. 2

House Bill No. 146—Higher Education

House Bill No. 147—Kentucky Statutes No. 2

House Bill No. 148—State Fair

House Bill No. 149—Agriculture

House Bill No. 150—Agriculture

House Bill No. 151—Constitutional Amendments

House Bill No. 152—Kentucky Statutes No. 2

House Bill No. 153—Cities of Second Class

House Bill No. 154—Oils, Mines & Minerals

House Bill No. 155—Public Health

House Bill No. 156—Kentucky Statutes No. 2

Senate Bill No. 1—Kentucky Statutes No. 2

House Resolution No. 13—Kentucky Statutes No. 2

House Resolution No. 14—Kentucky Statutes No. 2

House Bill No. 32—Elections

House Bill No. 158—Oils, Mines & Minerals

Mr. Lowman moved that when the House do adjourn today, that it adjourn in memory of Franklin D. Roosevelt.

Said motion was agreed to.

Mr. Lowman moved that the House do now adjourn to meet at 1:00 o'clock p.m., Thursday, January 31, 1952.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 31, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend H. Glenn Stpehens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Charles M. Crowe	William K. Henry
Dr. John Adkins, Jr.	J. C. Denney, Jr.	Thomas D. Hewlett
Henry Arrowood	C. E. Dowell	Henry R. Heyburn
J. Everett Bach	James A. Dressman, Jr.	E. R. Hilton
Sidney Baer	Thomas R. Duncan	Ray Holbrook
John Rhea Banton	R. L. Dunigan	Chester J. Holsclaw
Clarence J. Barnum	Jack Early	William M. Horn
Owen Billington	Harold Edwards	Paul S. Jonas
William W. Blanton	William Engle	William L. Jones
J. C. Bradley	Roscoe Estep	Jennings Kearby
Ed T. Breathitt	Herbert Fern	James W. Lambert
Edw. O. Bridgers	Wm. P. Friedlander	Jesse H. Lawrence
Thomas L. Britton	Leslie Gay	Paul M. Lewis
Mrs. Mary E. Burnete	Henry J. Giles	Mrs. J. T. Linton
Alex H. Calvert	Charles M. Greene	Harry K. Lowman
Walter J. Chyle, Jr.	Henry C. Hale	William Maglinger
Lewis W. Combest	Eugene B. Hancock	Shelby McCallum
Marvin A. Cornett	John Head	G. Lee McClain
R. Josh Cosby	Farmer Helton	Russell L. Meadows

Tom Mobley	Carl J. Ruh	J. B. Veech
Robert H. Moore	Amos Runyon	Eulick (Mike) Walsh
Walter R. Moorman	Cecil Sanders	Wm. Thos. Wathen
Fred H. Morgan	Clem Schroader	L. M. Weathers
Earl F. Murphy	Gus F. Sheehan, Jr.	W. W. Webster
Thomas J. Murphy	Dr. B. F. Shields	Morris Weintraub
Ewin C. Neville	John A. Sloan	Hicks Wells
Bart N. Peak	E. A. Spencer	William B. Wells
Louis T. Peniston	Mrs. Thelma Stovall	W.A.(Pete)Wickliffe
Hobart Rayburn	E. H. (Ted) Stumbo	Charles W. Wirsch
Tipton Reed	Egbert V. Taylor	Walker H. Wiseman
J. F. Robinson	Albert Thomason	Garrett L. Withers
Earl Rogers	Wm. F. Threlkeld	Charles W. Burnley,
Joe Rouse	Marion Vance	Speaker

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees being as follows: R. O. Blevins, George F. Harris.

Mr. Barnum moved that the reading of the Journal of the proceedings of Tuesday, January 29, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

The hour of 1:30 o'clock p.m., having arrived, that being the hour previously agreed upon a Special Order of the Day, Mr. Lowman moved that the House take up for consideration a bill of the following title, viz:

H. B. No. 36. AN ACT relating to time.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The standard time fixed and prescribed for the Commonwealth of Kentucky by Act of Congress or by order of the Interstate Commerce Commission shall apply to and govern all laws, regulations and rules relating to the time

of performance of any act by any officer or department of the Commonwealth, or of any county, city or subdivision or agency thereof, or relating to the time that any right shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the Commonwealth, and in all the public schools and institutions of the Commonwealth and on the public works of the Commonwealth or any county, city or district thereof, or in all contracts or choses in action made or to be performed in the Commonwealth.

Section 2. Section 2.150 of the Kentucky Revised Statutes is repealed.

Mr. Moorman moved the Previous Question.

Ordered that said bill be read at length for the third time.

Mr. Moorman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Henry Arrowood	Walter J. Chyle, Jr.	Harold Edwards
J. Everett Bach	Lewis W. Combest	William Engle
John Rhea Banton	Marvin A. Cornett	Roscoe Estep
Owen Billington	R. Josh Cosby	Herbert Fern
William W. Blanton	Charles M. Crowe	Wm. P. Friedlander
J. C. Bradley	J. C. Denney, Jr.	Henry J. Giles
Ed T. Breathitt	C. E. Dowell	Charles M. Greene
Thomas L. Britton	James A. Dressman, Jr.	Henry C. Hale
Alex H. Calvert	R. L. Dunigan	Eugene B. Hancock

John Head	Robert H. Moore	Mrs. Thelma Stovall
Farmer Helton	Walter R. Moorman	E. H. (Ted) Stumbo
William K. Henry	Fred H. Morgan	Egbert V. Taylor
Thomas D. Hewlett	Earl F. Murphy	Albert Thomason
E. R. Hilton	Ewin C. Neville	Wm. F. Threlkeld
Ray Holbrook	Louis T. Peniston	Marion Vance
William M. Horn	Hobart Rayburn	J. B. Veech
William L. Jones	Tipton Reed	Wm. Thos. Wathen
Jennings Kearby	J. F. Robinson	L. M. Weathers
James W. Lambert	Earl Rogers	W. W. Webster
Jesse H. Lawrence	Joe Rouse	Morris Weintraub
Paul M. Lewis	Carl J. Ruh	Hicks Wells
Mrs. J. T. Linton	Amos Runyon	William B. Wells
William Maglinger	Cecil Sanders	W.A.(Pete)Wickliffe
Shelby McCallum	Clem Schroader	Charles W. Wirsch
G. Lee McClain	Dr. B. F. Shields	Walker H. Wiseman
Russell L. Meadows	John A. Sloan	Garrett L. Withers

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Those who voted in the negative were—

Sidney Baer	Jack Early	Bart N. Peak
Clarence J. Barnum	Leslie Gay	E. A. Spencer
Edw. O. Bridgers	Henry R. Heyburn	Eulick (Mike) Walsh
Mrs. Mary E. Burnete	Chester J. Holsclaw	
Thomas R. Duncan	Thomas J. Murphy	

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Resolved that the title thereof be as aforesaid.

Mr. Moorman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be reported to the Senate by the Chief Clerk of the House.

Mr. Ruh moved that H. Res. No. 5 be taken up for consideration from the calendar.

Said motion was agreed to.

Said resolution was adopted by voice vote.

Said resolution is as follows, viz:

A JOINT RESOLUTION petitioning Congress to retain within Boone County, Kentucky the airport owned by Kenton County, Kentucky and known as the Kenton County Airport and to retain all United States Air Force installations located there.

WHEREAS, the general welfare of Northern Kentucky is dependent upon the full scale operation of the Kenton County Airport, and

WHEREAS, all the people of the State of Kentucky benefit from the economic well-being of any of its sections, and

WHEREAS, widespread unemployment will develop in Northern Kentucky if the present situation is changed, and

WHEREAS, Air transportation will be seriously curtailed within this state

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The U. S. Congress is hereby requested to retain within Boone County, Kentucky the airport owned by Kenton County, Kentucky and known as the Kenton County Airport and to retain all United States Air Force installations located there.

Mr. Bach moved that H. Res. No. 9 be taken up for consideration from the calendar.

Said motion was agreed to.

Said resolution was adopted by voice vote.

Said resolution is as follows, viz:

A JOINT RESOLUTION memorializing Congress to continue to maintain and operate certain improvements in the Kentucky River.

WHEREAS, the United States Corps of Engineers has given notice that Locks and Dams 8 through 14 on the Kentucky River will no longer be operated and maintained by the Division after June 30, 1952, unless the reported prospective benefits from the use of those navigation structures by commerce and

navigation are reasonably assured and sufficient to justify the cost of operation and maintenance thereof; and

WHEREAS, the Kentucky River Collieries Company has issued 5,000 acres of coal land, made contracts for the mining thereof, started construction work an a barge loading tipple a Beattyville, Kentucky, and executed contracts for barge service, all of which represent an investment of more than $500,000; and

WHEREAS, the Falls City Boat Works of Louisville, Kentucky, has purchased two tugs and ordered six special barges to fulfill its obligations under the contract with Kentucky River Collieries Company, representing an investment of approximately $70,000; and

WHEREAS, numerous other commercial enterprises are in the planning stages all of which, together with the indicated operations of the Kentucky River Collieries Company and the Falls City Boat Works, depend almost completely upon the continued maintenance and operation of Locks and Dams 8 through 14 on the Kentucky River; and

WHEREAS, the abandonment of the commercial enterprises set out herein would have a most depressing effect upon the present and contemplated economy of the Upper Kentucky River Valley,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Congress of the United States is hereby requested to continue the maintenance and operation of Locks and Dams Nos. 8 through 14 on the Kentucky River.

That the Clerk of the House of Representatives is directed to forward copies of this Resolution to each member of Congress from Kentucky and to the Clerks of the Senate and House of Representatives of the Congress of the United States.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill originating in that body as follows, viz:

S. B. No. 38. AN ACT relating to mechanics' and materialmen's liens.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 376.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who performs labor or furnishes materials for the erection, altering or repairing of a house or other structure or for any fixture or machinery therein, for the excavation of cellars, cisterns, vaults, wells or for the improvement in any manner of real property including the furnishing of agricultural lime, fertilizer, concrete pipe or drainage tile, crushed rock, gravel for roads or driveways, and materials used in the construction or maintenance of fences, by contract with, or by the written consent of, the owner, contractor, subcontractor, architect or authorized agent, shall have a lien thereon, and upon the land upon which the improvements were made or on any interest the owner has therein, to secure the amount thereof with cost. The lien on the land or improvements shall be superior to any mortgage or encumbrance created subsequent to the beginning of the labor or the furnishing of the materials, and the lien, if asserted as hereinafter provided, shall relate back and take effect from the time of the commencement of the labor or the furnishing of the materials. The lien shall not be for a greater amount in the aggregate than the contract price of the original contractor, and should the aggregate amount of the liens exceed the price agreed upon between the original contractor and the owner there shall be a pro rata distribution of the original contract price among the lien-holders.

(2) The lien shall not take precedence over a mortgage or other contract lien or bona fide conveyance for value without notice, duly recorded or lodged for record according, to law, unless the person claiming the prior lien shall, before the recording of the mortgage or other contract lien or conveyance, file in the office of the clerk of the county court of the county wherein he has furnished or expects to furnish labor or materials, a

statement showing that he has furnished or expects to furnish labor or materials, and the amount in full thereof. The lien shall not, as against the holder of a mortgage or other contract lien or conveyance, exceed the amount of the lien claimed or expected to be claimed as set forth in the statement. The statement shall, in other respects, be in the form prescribed by KRS 376.080.

(3) No person who has not contracted directly with the owner or his agent shall acquire a lien under this section unless he notifies in writing the owner of the property to be held liable or his authorized agent, within seventy-five days after the last item of material or labor is furnished, of his intention to hold the property liable and the amount for which he will claim a lien. It shall be sufficient to prove that the notice was mailed to the last known address of the owner of the property upon which the lien is claimed, or to his duly authorized agent within the county in which the property to be held liable is located.

Said bill was ordered printed and referred.

INTRODUCTION OF BILLS & RESOLUTIONS

Bills and resolutions of the following titles were introduced, viz:

By Mr. Mobley.

H. B. No. 176. AN ACT concerning annexation of territory and reduction of boundaries by cities and repealing sections 81.100 through 81.270 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. The boundaries of cities of all classes shall remain as established by law until changed in the manner provided in this Act. Whenever a city of any class desires to annex any unincorporated territory, in the county wherein said city is situated, or in an adjoining county or counties, or to reduce the boundaries of the city, the city legislative body may enact an ordinance defining accurately the boundaries of the territory proposed to be annexed or stricken off. The ordinance shall be

published in at least ten (10) issues of the daily paper published in and having the largest circulation in the city. Provided that if there is no daily paper published in the city, the ordinance proposing annexation or reduction of territory shall be published in at least four (4) issues of a weekly paper published in and having the largest circulation in the city. If there is no daily or weekly paper published in the city, copies of the ordinance shall be posted for at least 10 (10) days in four (4) conspicuous places in the city. In not less than thirty (30) days after the enactment of the ordinance, if the publication or posting has been made and no petition has been filed in the circuit court as provided in Section 2 of this Act, the city legislative body may enact another ordinance annexing to the city or striking from the city the territory described in the ordinance. Upon the enactment of the second ordinance, the territory shall become a part of the city, or be stricken from the city.

SECTION 2. Within thirty (30) days after the enactment of an ordinance proposing to annex unincorporated territory to a city of any class, or to reduce its limits, one or more resident freeholders of the territory proposed to be annexed or stricken off may file a petition in the circuit court of the county, setting forth the reasons why the territory should not be annexed, or why the limits should not be reduced. Summons shall issue on the petition and be executed on the chief executive officer of the city, and the answer of the city shall be filed within twenty (20) days after service of the summons. The case shall be tried according to the practice prescribed for the trial of equity cases without the intervention of a jury.

If the court finds, upon a hearing, that less than seventy-five per cent (75%) of the resident freeholders of the territory to be annexed or stricken off have remonstrated and that the adding or striking off of the territory will be for the interest of the city and will cause no manifest injury to the resident freeholders in the territory sought to be annexed or stricken off, the annexation or reduction shall be approved. If the court finds that seventy-five per cent (75%) or more of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated, the annexation or reduction shall not be approved, unless the court finds from the evidence that a failure to annex or strike

off will materially retard the prosperity of the city and of the resident freeholders of the territory sought to be annexed or stricken off, in which case the annexation or reduction shall be approved notwithtsanding the remonstrance.

An appeal from the judgment may be taken as in other cases, but there shall be no change of venue from the county. Costs shall follow the judgment.

A judgment approving the annexation or reduction shall, when entered, be certified to the city legislative body, which may thereupon annex to or strike from the city the territory described in the judgment, and the territory shall then become, or cease to become a part of the city.

SECTION 3. A city of the first class may annex cities of the fifth and sixth classes in the same manner and under the same procedure as is provided in Sections 1 and 2 of this Act for annexation of unincorporated territory with the following exceptions:

1. That an attested copy of the ordinance proposing annexation of such city of the fifth or sixth class shall be delivered to the chief city clerk of such city.

2. That no ordinance annexing a city of the fifth or sixth class to a city of the first class shall be enacted until a reasonable opportunity, not to exceed thirty (30) days, has been given to the officers of the city to be annexed to conclude the affairs of the city and to render a report to the chief fiscal officer of the annexing city stating accurately the nature, amount and value of the corporate property, franchises and rights held by said annexed city and all debts and liabilities of said city.

SECTION 4. Cities of the second, third, fourth and fifth classes may annex cities of the sixth class in the same manner and under the same procedure as is provided in Section 3 of this Act for annexation of cities of the sixth class by cities of the first class.

SECTION 5. (1) Whenever a first-class city desires to annex all or any part of a city of the second, third or fourth class, the legislative body of the first-class city shall pass an ordinance

designating the city proposed to be annexed, or defining accurately the part proposed to be annexed, declaring it to be desirable to annex the city or part, and providing that the question of whether or not the city or part shall be annexed shall be submitted to the qualified voters of the city to be annexed, or, if only part of the city is proposed to be annexed, to the qualified voters residing in that part, at the next regular election to be held therein, if the next regular election is not held within sixty days after the passage of the ordinance.

(2) The mayor of the first-class city shall deliver a certified copy of the ordiance to the county clerk, who shall, if it is proposed to annex the whole city, have printed on the ballots provided for use in the city proposed to be annexed, the question: "Are you in favor of being annexed to the City of _____"? Opposite the question shall be printed "Yes" and "No", with squares for stamping the cross mark to indicate preference. If it is proposed to annex only a part of the city, the clerk shall have the question printed on the ballots provided for use in each precinct embraced in whole or in part within that part of the city proposed to be annexed. If only a part of any precinct is embraced within that part of the city proposed to be annexed the clerk of the election shall mark an "X" with the black ink stencils in the squares opposite both the words "Yes" and "No" upon the ballots of all persons voting who reside in the precinct but not in that part of it proposed to be annexed, before he delivers the ballots to those voters. The clerk shall cause the sheriff to deliver to the election officers in each precinct copies of the ordinance proposing to annex.

(3) If a majority of those voting on the proposition vote in favor of being annexed, the city proposing to annex shall pass an ordinance declaring the city or part annexed, and the city or part shall then become a part of the annexing city.

(4) If less than a majority of those voting on the proposition vote in favor of being annexed, the ordinance proposing annexation shall become ineffectual for any purpose.

SECTION 6. Except as provided in Section 4 of this Act, cities of the second, third, fourth and fifth classes may annex all or any part of a city of the same or smaller class, in the same

manner and under the same procedure as is prescribed in Section 5 of this Act for annexation of other cities or parts of cities by cities of the first class.

SECTION 7. Whenever a city of the first five classes annexes another city, the annexing city shall be bound for all the debts and liabilities, and shall be the owner of all corporate property, franchises and rights of the annexed city. If only a part of another city is annexed, the annexing city shall be liable for that proportion of the debts of the other city which the value of the real estate in the part of the city annexed bears to the value of all the real estate in the city, according to the latest assessment by the county tax commissioner.

SECTION 8. Sections 81.100 through 81.270 of the Kentucky Revised Statutes are hereby repealed.

Said bill was ordered printed and referred.

By Mr. Henry.

H. B. No. 177. AN ACT relating to members of police and fire departments in fourth class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 95.710 of the Kentucky Revised Statutes is amended to read as follows:

(1) To be eligible for appointment as a member of the police force or fire department of a city of the fourth class a person must be a citizen of the state, a resident of the county for at least six months, at least twenty-one years of age, able to read and write the English language intelligibly, and sober, moral and sagacious. No person who has been convicted of a felony shall be eligible for appointment. After appointment no member shall interfere in any election. If it is possible to secure such a person, the appointee shall have been a resident of the city for at least six months in addition to the other required qualifications; but should the city legislative body determine a person meeting this added qualification cannot be secured, a residence of six months in the county shall be sufficient.

Said bill was ordered printed and referred.

By Mr. Denney.

H. B. No. 178. AN ACT making appropriations for the improvement, construction, reconstruction and maintenance of Rural Highways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated from any money in the State Road Fund for the improvement, construction, reconstruction and maintenance of county roads and bridges, which has not been expended by the Department of Highways for maintenance, the sum of three million dollars for each of the fiscal years, 1952-53 and 1953-54. This appropriation is to be expended in accordance with the provisions of KRS 179.410 to 179.430. Not more than six percent of this appropriation shall be used for administration and this appropriation is in addition to the amount appropriated under KRS 138.220.

Section 2. The appropriations provided for herein shall be in addition to any other appropriations for the same purposes.

Said bill was ordered printed and referred.

By Mr. Helton, Denney, Early and Rogers.

H. B. No. 179. AN ACT relating to cattle or any species thereof running at large.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No cattle shall be permitted to run at large on right of ways, or inclosed lands, when the fencing of such lands is opened for the construction or reconstruction of any part of the primary system of state highways until the work is completed and accepted by the Department of Highways.

Section 2. (1) Any county may, by an election held under

Section 3, prohibit cattle or any species of cattle from running at large in the county.

(2) No election shall be held under Section 3 in any county in which an election under that section has been held within the preceding four years.

Section 3. Upon the petition of one hundred voters of any county, filed in the county court of that county, asking a submission of the question whether cattle or certain named species of cattle shall be permitted to run at large in the county, the county court shall direct the sheriff and the officers of election in the county to open a poll at the next regular election held not less than sixty days after the filing of the petition, for the purpose of ascertaining the will of the voters upon the question whether or not they are in favor of prohibiting cattle or any species of cattle from running at large in the county.

Section 4. No election shall be ordered under Section 3, unless the petitioners deposit with the county court, at the time the petition is filed, an amount sufficient in the judgment of the court, to defray the expenses of the election.

Section 5. (1) The question shall not be submitted unless notice is published twenty days before the election in at least four issues of the newspaper published in the county, if there is one, having the largest bona fide circulation in the county. If there is no newspaper published in the county, notice shall be given by posting notices of the election on the courthouse door or the bulletin board for the courthouse, and in four public places in each precinct in which the election is to be held, at least twenty days before the election.

(2) The notices shall state whether it is proposed to prohibit the running at large of cattle generally or only certain named species of cattle.

Section 6. When an election is ordered under Section 3, the county clerk shall have printed on the ballots for each precinct in which a vote is to be taken the question: "Are you in favor of making it unlawful for cattle (or the species thereof designated in the petition) to run at large on the public highways and uninclosed lands of _____county?

Section 7. The poll of elections held under Section 3 shall be compared and the result announced in the manner, at the time and by the person authorized to compare the polls and declare the results in elections held for county offices. The result shall be spread upon the records of the county court at its next regular term held after the result is declared.

Section 8. (1) If a majority of those voting upon the question stated in Section 6 vote "No," paragraphs (a), (b) and (c) of subsection (2) shall not go into effect in the county where the vote is taken.

(2) If a majority of those voting vote "Yes," paragraphs (a), (b) and (c) of this section shall apply.

(a) No person, after thirty days following the election, shall permit any cattle or the species of cattle named in the petition, owned by him or under his control or in his custody, to run at large in the county.

(b) If any damage is committed by cattle in the county, the owner of the cattle shall be liable for all damages, whether the place where the damages occurred is inclosed by lawful fence or not. The person damaged shall have a lien on the cattle committing the damage for the amount of the damage and cost of suit.

(c) Any constable, sheriff or city marshal shall impound any cattle found running at large in the county and the owner or bailee of the cattle shall pay to the officer impounding, for each head impounded, one dollar and the cost of feeding and taking care of the cattle, but the cost of impounding any number of cattle at any one time shall not exceed three dollars and the cost of feeding. The officer shall have a lien on the cattle impounded for his fees and expenses, which he may enforce in the same manner in which mortgage liens are enforced.

Section 9. In any prosecution for a violation of subsection (2) (a) of Section 8, it shall not be necessary to allege that an election was held, or any other step relative to an election was undertaken, but the indictment, warrant or information may simply state that the act charged was committed in a territory where subsection (2) (a) of Section 8 was in force.

Section 10. Section 259.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates subsection (2) (a) of Section 8 shall be fined not less than five dollars nor more than twenty-five dollars.

(2) Any person who violates any of the provisions of KRS 259.110 to 259.140 shall be fined ten dollars.

(3) Any person who violates KRS 259.150 shall be fined fifty dollars.

(4) Any person who violates KRS 259.200 shall be fined not less than ten dollars nor more than one hundred dollars, and each head of cattle trespassing shall constitute a separate offense.

Section 11. Section 259.210 of the Kentucky Revised Statutes is repealed.

Said bill was ordered printed and referred.

By Mr. Weathers.

H. B. No. 180. AN ACT relating to drugs and drug stores or pharmacies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. **Pharmacies required to obtain permit after July 1, 1952.** No person shall open, establish, operate or maintain a pharmacy without obtaining a permit from the Kentucky Board of Pharmacy.

Sec. 2. (1) No permit shall be issued for the conduct of a pharmacy except upon evidence satisfactory to the Kentucky Board of Pharmacy that:

(a) That pharmacy for which the permit is sought will be conducted in full compliance with the law and the rules and regulations of the board; and

(b) The person applying for the permit is qualified to conduct the pharmacy.

(2) All current permtis must be conspicuously displayed visible to the general public.

(3) Every pharmacy must be equipped with proper pharmaceutical utensils so that prescriptions can be properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded. The Kentucky Board of Pharmacy shall prescribe the minimum of such professional and technical equipment which a pharmacy shall at all times possess and such list shall include the latest revision of the United States Pharmacopoeia and the National Formulary, and all supplements to either of them. The premises of every pharmacy shall be kept in a clean and orderly manner. No permit shall be issued or continued for the conduct of a pharmacy unless the provisions of this subsection are complied with.

Sec. 3. (1) Applications for a permit required by this Act shall be made on forms prescribed and furnished by the Kentucky Board of Pharmacy.

(2) Applications for a permit to open a new pharmacy shall be made at least thirty days before the pharmacy is to be opened for business.

(3) A fee of not more than ten dollars per year, to be determined by the Board, shall be charged for each permit to operate a retail drug store. Such permit shall expire on June 30 of each year.

Sec. 4. Separate applications shall be made and separate permits issued for each separate place at which is carried on any of the operations for which a permit is required. Each permit issued under this Act shall be conspicuously exposed to the general public in the place for which it was granted. Permits shall not be transferable.

Sec. 5. (1) The Board may, after notice and hearing as prescribed in subsection (2) and (3) of this section, refuse, revoke or suspend any permit when the Board finds that the permit was obtained by fraudulent means, or that the operations for which the permit was issued or is applied for are not being conducted or will not be conducted according to law or are being so conducted as to endanger the public health and safety.

(2) The Kentucky Board of Pharmacy may, on its own motion or on a verified complaint, issue a notice to any registrant or permitee to show cause why his certificate or permit should not be suspended or revoked, or a notice to any applicant to show cause why his application for registration or for a permit should not be denied. The notice shall contain a copy of the charge and shall state the time and place at which the hearing is to be conducted. The date of the hearing shall not be less than ten days from the date the notice is received by the applicant, registrant or permitee.

(3) Members of the Board and its Executive Secretary-Treasurer may administer oaths and take evidence in any hearing conducted by the Board. The Board shall, at all hearings, receive the testimony of all witnesses and accept all documentary evidence relevant to the issue.

Sec. 6. Any person having an interest in the matter may, within thirty days of the effective date of the order, appeal from any order of the Board denying, revoking or suspending a certificate or permit, by filing a certified copy of the order in their circuit court together with a bond approved by the clerk to insure the payment of costs. The appeal shall be docketed and tried in the manner provided by law for equity cases. From the judgment of the circuit court any party having an interest therein may appeal in the manner provided by law to the Court of Appeals.

Sec. 7. The Kentucky Board of Pharmacy and its duly appointed agents may inspect in a lawflul manner the drugs that are manufactured, packed, packaged, sold, offered for sale, exposed for sale or kept for sale in this state, and for this purpose may enter and inspect, during business hours, any place in this state where drugs are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, dispensed or kept for sale.

Sec. 8. The Kentucky Board of Pharmacy may, in addition to the criminal penalties prescribed for violating this Act apply to a court having jurisdiction for an injunction to restrain repetitious violations of the provisions of this Act.

Sec. 9. Any person who violates any of the provisions of

this Act shall be fined not less than one hundred dollars or imprisonment in the county jail for not more than ninety days, or both, for each violation and each day the violation continues shall constitute a separate and distinct offense. Upon conviction of a permittee, his permit may be revoked by the Kentucky Board of Pharmacy and become void, without notice of hearing.

Sec. 10. All fees shall be paid into the State Treasury and placed in an agency fund to be spent by the State Board of Pharmacy for the enforcement of this Act. The Board may employ such investigators, chemists, agents and other assistants as it deems necessary to carry out the provisions of this Act.

Sec. 11. This Act shall not become effective until June 30, 1952.

Said bill was ordered printed and referred.

By Mr. Stumbo and Rouse.

H. B. No. 181. AN ACT relating to Constitutional State Offices, amending sections 71, 82 and 93 of the Constitution of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sections 71, 82 and 93 of the Constitution of the Commonwealth of Kentucky are amended to read as follows:

"Sec. 71. The Governor shall be ineligible for the next succeeding four years after the expiration of any two consecutive terms for which he shall have been elected."

"Sec. 82. A Lieutenant Governor shall be chosen at every regular election for Governor in the same manner, to continue in office for the same time, and possess the same qualifications as the Governor. He shall be ineligible to the office of Lieutenant Governor for the next succeeding four years after the expiration of any two consecutive terms for which he shall have been elected."

"Sec. 93. The Treasurer, Auditor of Public Accounts, Secretary of State, Commissioner of Agriculture, Labor and Sta-

tistics, Attorney-General, Superintendent of Public Instruction and Register of the Land Office shall be ineligible to re-election for the succeeding four years after the expiration of any two consecutive terms for which they shall have been elected. The duties and responsibilities of these officers shall be prescribed by law, and all fees collected by any of said officers shall be covered into the treasury. Inferior State officers, not specifically provided for in this Constitution, may be appointed or elected, in such manner as may be prescribed by law, for a term not exceeding four years, and until their successors are appointed or elected and qualified."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

Said bill was ordered printed and referred.

By Mr. Kearby.

H. B. No. 182. AN ACT relating to warning devices on motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every motor vehicle and bicycle, when in use on a highway shall be equipped with a horn or other device capable of making an abrupt sound sufficiently loud to be heard under all ordinary traffic conditions. Every person operating an automobile or bicycle shall sound the horn or sound device whenever necessary as a warning of the approach of such vehicle to pedestrians, or other vehicles, but shall not sound the horn or sound device unnecessarily.

(2) No vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell, except as permitted in this subsection or in subsection (3). Any commercial vehicle may be equipped with a theft alarm signal device which

is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the department, but the siren shall be used only when the vehicle is operated in respons to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which event the driver shall sound the siren when necessary to warn pedestrians and other drivers of the approach of the vehicle. A bell may be used on a bicycle.

(3) Any person who is a regular or voluntary member of a department furnishing fire protection for a political subdivision of the state and who obtains a written permission of the governing body of that political subdivision may equip his private automobile as an authorized emergency vehicle, and may use such equipment, in the manner prescribed in subsection (2), while proceeding to the scene of a fire in the performance of his official duties as a member of a fire department.

(4) No driver or operator of a vehicle equipped with a siren, whistle or bell under the provisions of subsection (2) or (3) shall use such equipment for any purposes other than those authorized in those subsections.

Said bill was ordered printed and referred.

By Mr. Lambert and Thomason.

H. B. No. 183. AN ACT relating to the fees of sheriffs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.090 of the Kentucky Revised Statutes are amended to read as follows:

Sheriffs may charge and collect for the following services the following fees:

Executing and returning process ----------$0.60

Serving an order of court and return---------- .50

Summoning each witness ---------- .25

Summoning an appraiser or reviewer ---------- .40

Each day's attendance in the county on a jury or attending a surveyor, when ordered by a court-- 1.00

Taking any bond that he is authorized or required to take in any action ---------- .50

Collecting money under execution or distress warrant, if the debt is paid or the property sold, or a delivery bond given and not complied with, 6% on the first $300 and 3% on the residue; when he levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings or by order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case.

Taking a recognizance of a witness---------- .25

Levying an attachment ---------- .60

When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court.

Summoning a garnishee ---------- ,50

Summoning a jury in a misdemeanor case, attending the trial, and conducting the defendant to jail, to be paid by the party convicted ---------- 2.00

Serving process or arresting the party in misdemeanor cases, to be paid by the party convicted- 5.00

Serving an order or process of revivor ---------- .50

Executing a writ of possession against each tenant or defendant ---------- 1.50

Executing a capias ad satisfaciendum, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission.

Summoning and attending a jury in a case of forcible entry and detainer, besides fees for summoning witnesses ---------- 3.00

Collecting militia fines and fee-bills, 10%, to be deducted out of the fee-bill or fine.

Levying for a fee-bill ---------- .50

Serving a notice ---------- .25

Serving warrants or process of arrest in bastardy cases ---------- 5.00

Serving each order appointing surveyors of roads, to be paid out of the county levy---------- .50

Serving each summons or order of court in applications concerning roads, to be paid out of the county levy if the road is established, and in all other cases to be paid by the applicant-------- .50

Like services in cases of private passways, to be paid by the applicant ---------- .50

Services rendered in cases in the quarterly courts, the same fees given to constables in all cases where the amount claimed in $50 or under.

Executing each writ of habeas corpus, to be paid by the petitioner ---------- 1.00

All services under a writ issued under KRS 381.460 to 381.570 ---------- 4.00

Attending by himself or deputy the regular terms of the county courts, a reasonable allowances per day, to be allowed by the county judge and paid out of the county levy, not exceeding---------- 2.00

Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the State Treasury, for each day ---------- 2.00

Performing the duties of jailer, the same fees and allowances that are prescribed for jailers.

Said bill was ordered printed and referred.

By Mr. Lambert and Thomason.

H. B. No. 184. AN ACT increasing teachers' retirement allowances.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

(3) Effective July 1, 1952, and including living retired members and members who retire subsequently, no retirement allowance shall be less than four hundred and eighty dollars per year and not less than sixteen dollars per service credit year at the time of retirement, but such total minimum allowance shall not be more than four hundred and eighty dollars per year. Any retirement allowance which has been or will be computed to be less than this minimum shall be increased to said minimum.

Said bill was ordered printed and referred.

By Mr. Lewis.

H. B. No. 185. AN ACT relating to election of council members in cities of the fourth class not having a commission or city manager form of government.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) In cities of the fourth class operating under other than the commission or city manager form of government, one half, or where the number is uneven, the largest minority, of members in the city council elected at the next regular election, whether in 1952 or 1953, shall serve terms of one year only; the balance shall serve terms of two years. In cities having wards

those members elected from the even-numbered wards shall serve the one year terms; in the cities not having wards, immediately following the election, the members shall determine by lot who shall serve for one year and who shall serve for two years.

(2) Thereafter, an election shall be held each year to fill the regular vacancies and members elected at those times shall serve for terms of two years.

(3) The length of the terms of members of the first council of a city hereafter classified as a city of the fourth class shall be determined in the manner provided in this section.

Said bill was ordered printed and referred.

By Mr. Meadows, Wells and Elliott.

H. B. No. 186. AN ACT relating to volunteer firemen.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Upon application to the Chief of the City Fire Department, or to the county judge, depending upon the location of the volunteer unit, any member of a volumteer fire department shall be issued a permit authorizing the installation of a siren and flashing lights on his personal motor vehicle. Such siren and flashing lights shall be used only while the volunteer fireman is answering a fire call or other emergency.

Section 2. Use of the siren or flashing lights in violation of section 1 of this Act shall result in automatic revocation of the permit allowing such equipment on a volunteer firemen's vehicle, and shall subject him to a fine of not less than twenty dollars nor more than fifty dollars.

Said bill was ordered printed and referred.

By Mr. Calvert.

H. B. No. 187. AN ACT concerning assets of the Kentucky Rural Rehabilitation Corporation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Commissioner of Agriculture, Labor and Statistics is hereby designated as the State Official of the Commonwealth of Kentucky to make application to and receive from the Secretary of Agriculture of the United States, or any other proper Federal official, pursuant and subject to the provisions of Public Law 499, 81st Congress, approval May 3, 1950, the trust assets, either funds or property, held by the United States as trustee in behalf of the Kentucky Rural Rehabilitation Corporation.

Section 2. The Commissioner of Agriculture, Labor and Statistics, with the advice of the State Board of Agriculture, is authorized to enter into agreements with the Secretary of Agriculture of the United States pursuant to section (2)(f) of the aforesaid Act of the Congress of the United States, upon such terms and conditions and for such periods of time as may be mutually agreeable, authorizing the Secretary of Agriculture of the United States to accept, administer, expend and use in the Commonwealth of Kentucky all or any part of such trust assets, or any other funds of the Commonwealth of Kentucky which may be appropriated for such uses, for carrying out the purposes of Titles I and II of the Bankhead-Jones Farm Tenant Act, in accordance with the applicable provisions of Title IV thereof, as now or hereafter amended, and to do any and all things necessary to effectuate and carry out the purposes of said agreements.

Section 3. Funds and the proceeds of the trust assets returned to the Commissioner of Agriculture, Labor and Statistics pursuant to Section 1 of this Act which are not retransferred to the Secretary of Agriculture of the United States pursuant to Section 2 of this Act, shall be paid into the State Treasury and carried in a separate account for use for such of the rural rehabilitation purposes permissible under the charter of the now dissolved Kentucky Rural Rehabilitation Corporation as may from time to time be agreed upon by the Commissioner of Agriculture, Labor and Statictics and the Secretary of Agriculture of

the United States, subject to the applicable provisions of said Public Law 499, or for the purposes of section 2 of this Act.

Section 4. The Commissioner of Agriculture, Labor and Statistics of the State of Kentucky is authorized and empowered to:

(a) Collect, compromise, adjust or cancel claims and obligations arising out of or administered under this Act or under any mortgage, lease, contract or agreement entered into or administered pursuant to this Act and, if in his judgment, necessary and advisable, pursue the same to final collection in any court having jurisdiction.

(b) Bid for and purchase at any execution, foreclosure or other sale, or otherwise to acquire property upon which the Secretary has a lien by reason of a judgment or execution, or which is pledged, mortgaged, conveyed or which otherwise secures any loan or other indebtedness owing to or acquired by the Secretary under this Act, and

(c) Accept title to any property so purchased or acquired; to operate or lease such property for such period as may be deemed necessary to protect the investment therein; and to sell or otherwise dispose of such property in a manner consistent with the provisions of this Act.

The authority herein contained may be delegated to the Secretary of Agriculture of the United States with respect to funds and assets transferred to him pursuant to section 2 of this Act.

Section 5. The United States and the Secretary of Agriculture thereof, shall be held free from liability by virtue of the transfer of the assets to the Commissioner of Agriculture, Labor and Statistics of the State of Kentucky pursuant to this Act.

Said bill was ordered printed and referred.

By Mr. Gay, Rogers, Holbrook, Heyburn and Lewis.

H. B. No. 188. AN ACT relating to the Kentucky Disabled Ex-Service Men's Board amending Section 36.060 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 36.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is created a board to be known as the Kentucky Disabled Ex-Service Men's Board, which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The board shall be composed of the Lieutenant Governor, who shall act as chairman, the Adjutant General, and three members appointed by the Governor. The appointed members shall serve for terms of four years and until their successors are appointed and have qualified, except that the members of the first board shall be so appointed that the term of one member will be for two years, another for three years and the other for four years. Appointments to the board, including appointments of successors and appointments to fill vacancies, shall be so made that one member of the board shall be a person recommended for appointment by the American Legion, one member shall be a person recommended for appointment by the Veterans of Foreign Wars and one member shall be a person recommended for appointment by the Disabled American Veterans. Recommendations for appointment shall be in the form of a list of five names submitted to the Governor by the Commander or other executive head of the Kentucky department of the organization, and approved by the Executive Committee, Council of Administration or other governing body of the Kentucky department of the organization. No member appointed before the effective date of this act shall be disqualified because there is more than one member from the same veterans' organization, however the first vacancy resulting from the expiration of a regular term after the effective date of this Act shall be filled by selecting a member from the list submitted by the Veterans of Foreign Wars, and the second such vacancy shall be filled by selecting a member from the list submitted by the Disabled American Veterans. The members of the board shall receive no compensation for their services, but shall be entitled to reimbursement for their

actual and necessary traveling expenses and lodging incurred in the proper performance of their duties in or out of this state.

Said bill was ordered printed and referred.

By Mr. Morgan.

H. B. No. 189. AN ACT authorizing cities of the second class to provide sewer services to common schools located outside of its boundaries.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any city of the second class is authorized to extend its sewer facilities beyond its boundaries for the purposes of furnishing sewer services, under such as may be concluded, to any common school.

Said bill was ordered printed and referred.

By Mr. Weintraub.

H. B. No. 190. AN ACT relating to alcoholic beverage licenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.070 of the Kentucky Revised Statutes is amended to read as follows:

The city legislative body of any city in which traffic in alcoholic beveragese is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only such licenses may be issued as correspond, in their provisions and the business authorized, to the licenses provided for in subsection (1), (2), (3), (5), (6), (7), (15) and (16) of KRS 243.030 and subsections (1), (2), (3) and (6) of KRS 243.040; except that the fee for a malt beverage retailer's license shall not exceed two hundred dollars.

Said bill was ordered printed and referred.

By Mr. Weintraub.

H. B. No. 191. AN ACT relating to common schools with particular reference to entrance age requirements.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 158.030 of the Kentucky Revised Statutes is amended to read as follows:

A "common school" is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a qualified teacher for a term of eight or more months during the school year and every child residing in the district who is six years of age and over has had the privilege of attending it. Provided, however, that any child who is six years of age or who may become six years of age by January 1 following the opening of school may enter school provided that he enters within thirty calendar days of the beginning of that school year, with the exception that in schools having mid-year promotions any child who is six years of age or who may become six years of age within thirty calendar days after the opening of the second semester may enter school at the beginning of that semester. Any child who becomes six years of age later than January 1 following the opening of the school year shall not enter school during that year and in schools having mid-year promotions any child who becomes six years of age later than thirty days after the opening of the second semester shall not enter school during that semester.

Said bill was ordered printed and referred.

By Mr. McClain.

H. B. No. 192. AN ACT relating to sale of livestock.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) It shall be the duty of every livestock yard and packing

plant in this state to secure proper identification as to the rightful ownership of all livestock offered for sale. Such identification shall consist of a sworn statement by the seller as to the ownership of the livestock; provided however, that in the absence of the seller the driver of the vehicle making the delivery shall make such statement. In any event, the motor vehicle operator's license number, his name, and the registration license plate number of the vehicle making the delivery must be recorded.

(2) Anyone violating subsection (1) of this section shall be fined not less than twenty dollars nor more than two hundred dollars, or imprisoned for not less than ten days nor more than thirty days, or both.

Said bill was ordered printed and referred.

By Mr. Peak.

H. B. No. 193. AN ACT concerning boards of park commissioners in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 97.400 of the Kentucky Revised Statutes is amended to read as follows:

Each board shall consist of five members appointed by the mayor for terms of five years and until their successors are appointed and qualified. Except that in the appointment of successors to the members in office on July 1, 1952, one member shall be appointed for a term of one year, one for two years, one for three years, one for four years and one for five years. When a vacancy occurs, the person appointed to fill the vacancy shall hold office until the expiration of the term of the person whose vacancy he filled and until his successor is appointed and qualified.

Said bill was ordered printed and referred.

By Mr. Early and Vance.

H. B. No. 194. AN ACT relating to selection and adoption of textbooks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No board of education or school official in any school district in Kentucky and no state agency shall purchase, procure by exchange, adopt, or permit to be used in the public schools of the state any school textbook for basal use which is not listed with the Superintendent of Public Instruction as hereinafter provided:

(1) Any person desiring to offer school textbooks for basal use, for adoption, sale, or exchange in Kentucky shall file with the Superintendent of Public Instruction copies of all such textbooks, together with a sworn statement of the current list price, the lowest net wholesale price, and the lowest exchange price at which said book or books are sold, or exchanged for an old book on the same subject of like grade and kind, but of a different series.

(2) No textbook for basal use shall be listed by the Superintendent of Public Instruction unless the person offering the same shall comply with the following terms and conditions:

(a) That the person will furnish any of the books listed in the sworn statement, and any other statement subsequently filed by him at any time, during a period of one year after such filing to any school district or to the Commonwealth of Kentucky, at the lowest price contained in the statement, and that the prices shall be maintained uniformly throughout the state.

(b) That the prices set forth in the statement shall be automatically reduced in Kentucky whenever reductions are made elsewhere in the United States, so that no time shall any book so filed and listed be sold by such person in Kentucky at higher net prices than are received for such book elsewhere in the United States.

(c) That all books offered for sale, adoption, use or exchange in Kentucky shall be at least equal in quality to those filed in the office of the Superintendent of Public Instruction as regards to size, paper, binding, printing, illustrations, subject

matter, and all other particulars affecting the value of such book.

Section 2. The Superintendent of Public Instruction shall not list any textbook as provided herein, unless and until the person seeking to have its book listed shall enter into a bond running to the Commonwealth of Kentucky in the penal sum of two thousand dollars, conditioned for the faithful execution of the terms and conditions set out in the sworn statement. Said bond shall be subject to the approval of the Attorney General of Kentucky, and shall be executed as surety by some responsible surety company, authorized to carry on its business in Kentucky.

Section 3. Boards of education of school districts, or the Superintendent of Public Instruction, subject to the approval of the State Board of Education, are authorized by this Act to purchase basal textbooks from publishers at the lowest prices listed with the Superintendent of Public Instruction, f.o.b. publisher's nearest shipping point, and furnish such books without cost to pupils, grades one to eight inclusive, attending taxsupported public schools of Kentucky. Boards of education of any school district are authorized to purchase books from the list as hereinbefore provided, and sell them to pupils at the listed prices, or at such prices as will not exceed ten percent of the lowest listed prices.

Section 4. Each board of education of school districts may appoint one or more dealers to act as official retail agents for the sale of books for use in the school district. Persons whose books are listed with the Superintendent of Public Instruction as hereinbefore provided, shall sell such books to the retail agents, at the prices listed, f.o.b. publisher's nearest shipping point. Each official retail agent shall give a reasonable bond, if required, to the publisher furnishing the adopted text. The official retail agent shall sell the books at not more than twenty percent in excess of lowest listed prices.

Section 5. When the Superintendent of Public Instruction notifies the publisher in writing that a book or books, and the sworn statement to correspond, and the required bond have been received, approved and filed, this will entitle the publisher to offer his book or books for adoption and sale during a period of one year from the date of filing.

Section 6. Nothing in this Act shall apply to existing adoption contracts between textbook publishers and the Commonwealth of Kentucky or between textbook publishers and boards of education of Kentucky.

Section 7. For the purpose of putting this Act into effect, and making the transition from the txetbook adoption procedure in effect in 1950, to the procedure that will become effective at the expiration of textbook contracts now in effect, publishers, boards of education, superintendents, chief administrative school officers, the Superintendent of Public Instruction or others responsible for the execution of this Act shall follow the procedure hereinafter set out:

(1) In the month of January, 1954, the Superintendent of Public Instruction will issue rules and regulations for governing the procedure for the administration of this Act, provided that,

(a) Before January 1, 1954, publishers desiring to offer textbooks for adoption and sale in Kentucky for the school year beginning July 1, 1955, and for each succeeding school year shall file their lists of textbooks with the Superintendent of Public Instruction as hereinbefore provided.

(b) Before April 1, 1954, and for each succeeding year, the Superintendent of Public Instruction shall certify the lists of books, filed with him by publishers, to boards of education in Kentucky. Provided further that when any publisher publishes a new book or books after the filing date and before January 1 the following year, said publisher may file a supplementary list of textbooks, and the Superintendent of Public Instruction shall certify such supplementary lists to boards of education of Kentucky before February 1 of each year.

(c) Before March 1, 1955 and for each succeeding year, each board of education in Kentucky shall on recommendation of its superintendent or chief administrative school officer, adopt for use and purchase basal textbooks required to be taught by the State Board of Education, and certify a list of the adopted books to the Superintendent of Public Instruction.

(d) Each board of education in Kentucky, on recommendation of its superintendent or chief administrative school

officer, is authorized to make requisition for, and the Superintendent of Public Instruction shall purchase such basal textbooks from the said certified lists, as said board of education requests subject to law, and rules and regulations prescribed by the State Board of Education governing the purchase and distribution of free textbooks.

(e) Rules and regulations issued by the Superintendent of Public Instruction governing this Act may include such items as reports, blank forms, and records, as will aid school authorities in carrying out the Act, and such other regulations, personnel organization, and administrative directives as are necessary in the administration of the Act.

Section 8. Any person who violates any of the provisions of this Act shall be fined not more than five hundred dollars or imprisoned not more than three months, or both.

Section 9. Sections 156.260 to 156.380 and subsection (2) of section 156.990 of the Kentucky Revised Statutes are repealed.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 195. AN ACT, relating to the review of federal aid administrative budgets.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every agency of the state government, when making request of the Federal Government for funds, equipment, materials or services, shall have such request or budget filed in the office of the Commissioner of Finance before submitting it to the proper federal authority. When such federal authority has approved the request or budget, in whole or in part, the agency of the state government shall resubmit it to the Commissioner of Finance for review before any expenditure of the federal funds can be made.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 196. AN ACT, relating to public printing, amending Sections 57.090, 57.180 and 57.250 and repealing Sections 57.080 and 57.260 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 57.045 of the Kentucky Revised Statutes is amended to read as follows:

"Any state educational institution that has an established printing plant therein for the instruction of students in printing may produce printing of any class for use by the institution but not for any outside agency. The rates charged for this printing shall not be in excess of rates established in current contracts by KRS 57.070."

Section 2. Section 57.060 of the Kentucky Revised Statutes is amended to read as follows:

"(1) The paper, necessary for state printing and binding of the first class, except materials for half binding, shall be furnished and paid for by the state. The Department of Finance shall, upon requisition of the contractor made from time to time, as the work requires, deliver to the contractor suitable paper. The Department of Finance shall take from the contractor and preserve a receipt for all paper so delivered. At the annual settlement on the first Monday in January the contractor shall report to the Department of Finance all paper so furnished that has not been used in the state printing and binding.

(2) Paper and supplies necessary for state printing and binding of the second class shall be furnished and paid for by the contractor.

(3) No contractor shall waste or convert to another use any paper furnished to him under sub-section (1) of this section."

Section 3. Section 57.080 of the Kentucky Revised Statutes is repealed.

Section 4. Section 57.090 of the Kentucky Revised Statutes is amended to read:

"The bids shal lbe sealed, addressed and delivered to the Division of Purchases, and shall be endorsed "Proposals for the Public Printing and Binding and Furnishing Stationery." The division shall carefully keep them until they are opened according to KRS 57.110.

Section 5. Section 57.180 of the Kentucky Revised Statutes is amended to read:

"The contractor for printing and binding of the first class shall promptly execute all orders of the General Assembly, or either house thereof, for printing, and all contractors under this chapter shall promptly execute all orders issued to them by the General Assembly, or either house thereof, or by any state executive officer. The Acts and the journals of the two houses of the General Assembly shall be printed and bound, and delivered respectively within sixty days and one hundred eighty days after the end of the session to the State Librarian for distribution, under the penalty of forfeiture of the bond of the contractor. Printed signatures of the journals of each day's proceedings of each house of the General Assembly shall be printed for the use of the members thereof immediately after the copy is furnished to the contractor by the clerk of each house. The Department of Finance may, on good cause shown by the contractor, extend the time for not more than thirty days for executing any work, except the printed signatures of the journals."

Section 6. Section 57.250 of the Kentucky Revised Statutes is amended to read:

"Maximum rates for binding (including sewing) shall be as follows:

(1) For paper covers, including composition, presswork and putting on books, documents and publications, for one hundred copies, two dollars and fifty cents.

(2) For half binding with leather back and paper sides and titles lettered with gold leaf, per volume, one dollar.

(3) For full binding, per volume:

(a) Law skiver binding, one dollar and eighty cents.

(b) Law sheep binding, two dollars and forty cents.

(c) Law calf binding, three dollars.

(4) For cloth or buckram binding with plain, gilded lettering or embossed lettering on sides or backs, per volume, one dollar.

(5) The words "public property", "property of the state", "state Library", or the like shall be put in and on books without extra charge."

Section 7. Sections 57.080 and 57.260 of the Kentucky Revised Statutes are repealed.

Said bill was ordered printed and referred.

By Mr. Lowman and Baer.

H. B. No. 197. AN ACT relating to the adoption of children and the termination of parental rights.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 199.490 of the Kentucky Revised Statutes is amended to read as follows: (1) The petition shall allege:

(a) The name, date and place of birth, place of residence and mailing address of each petitioner, and if married, the date and place of their marriage;

(b) The date and place of birth, place of residence and mailing address, if known, of the child sought to be adopted;

(c) Relationship, if any, of the child to each petitioner;

(d) Full name by which the child shall be known after adoption;

(e) A full description of the property, if any, of the child so far as it be known to the petitioner;

(f) The names of the parents of the child and the address

of each living parent, if known, provided the name of the natural father of a child born out of wedlock shall not be given, or if certified copies of orders terminating parental rights are filed as provided in subsection (2) of this section, the name of any parent whose rights have been terminated shall not be given;

(g) The names and address of the child's guardian, if any, or of the Department, institution or agency having legal custody of the child;

(h) Any further facts necessary for the location of the person or persons whose consent to the adoption is required, or whom KRS 199.480 requires to be made a party to or notified of the proceeding; and

(i) If any fact herein required to be alleged is unknown to the petitioners, such lack of knowledge must be alleged.

(2) There shall be filed with the petition any sworn consent or consents to adoption and certified copies of any orders terminating parental rights.

Section 2. Section 199.500 of the Kentucky Revised Statutes is amended to read as follows: (1) No adoption shall be granted without the sworn consent of the living parent or parents of a legitimate child or the mother of the child born out of wedlock, except that such consent of the living parent or parents shall not be required if:

(a) Such parent or parents have been adjudged incompetent and such judgment shall have been in effect for not less than one year prior to the filing of the petition for adoption;

(b) The parental rights of such parents have been terminated under KRS 199.600 to 199.630; or

(c) The living parents are divorced and the parental rights of one parent have been terminated under KRS 199.600 and consent has been given by the parent having custody and control of the child.

(2) A minor parent who is a party defendant may consent to an adoption but a guardian ad litem for such parent shall be appointed.

(3) In the case of a child twelve years of age or older, the consent of the child shall be given in court, provided that the court in its discretion may waive this requirement.

(4) Notwithstanding the provisions of subsection (1) of this section, an adoption may be granted without the consent of the natural living parents of a child if it is pleaded and proved as a part of the adoption proceedings that any of the provisions of subsections (1) or (2) of KRS 199.600 exist with respect to such child.

(5) A sworn consent to adoption filed or given in court under this section may not be withdrawn or revoked by the parent unless the court, after investigation or hearing, finds that withdrawal or revocation would be in the best interest of the child, and enters an order to that effect.

Section 3. Section 199.520 of the Kentucky Revised Statutes is amended to read as follows: (1) If, after the hearing of the case, which shall be private, and the filing of the required consent or consents, the court finds that the facts stated in the petition were established and that all legal requirements relating to the adoption have been complied with, it shall enter an order setting forth all jurisdictional facts and directing that a judgment of adoption be entered.

(2) The court shall not enter an order of adoption of a minor child unless the court finds that the petitioners are of good moral character, of reputable standing in the community and of ability to properly maintain and educate the child, and the best interest of the child will be promoted by the adoption and that the child is suitable for the adoption.

Section 4. Section 199.530 of the Kentucky Revised Statutes is amended to read as follows: (1) After the entry of the order of adoption provided for in KRS 199.520, the court shall enter a judgment of adoption in which judgment the name of the child shall be changed to conform with the prayer of the petition, and the judgment, including the caption, shall contain only the adopted name of the child, without any reference whatsoever to its former name. The judgment shall be effective, as to the status and name of the child and for all the

purposes provided for in this section, as of the date the petition for adoption was filed.

(2) Any child adopted pursuant to the provisions of KRS 199.470 to 199.520 shall be considered, for purposes of inheritance and succession and for all other legal considerations, the natural, legitimate child of the parents adopting it. A child so adopted shall be freed from all legal obilgations of maintenance and obedience to its natural parents, except that where the adopting parent of the child is married to the natural parent of the child, the relation of the child to that natural parent shall not in any way be altered by the adoption and the rights and obligations of the natural parent and the adopting parent to the child shall be the same as if the child were the natural child of both the natural parent and the adopting parent. The judgment of adoption shall include the applicable provisions of this subsection.

(3) The adoptive parents of a child shall inherit from the child in the same manner as if the child had been born of lawful wedlock to the adoptive parents.

(4) If the adoptive parents do not survive the adoptive child, all property of the deceased adoptive child, in the absence of lawful issue, shall descend under the general law of descent and distribution as if the child were the natural child of the adoptive parents.

(5) An adopted child shall not inherit from its natural parents, except that a child adopted by a person to whom one of his natural parents is married shall inherit from such natural parent.

(6) The department shall be notified of any action of the court with respect to entering a judgment granting an adoption, the annulment of an adoption and the denial or dismissal of a petition for adoption.

Section 5. Section 199.570 of the Kentucky Revised Statutes is amended to read as follows: (1) After entry of an adoption judgment in which there is provided a change of name, or where the status of the child is illegitimate, the clerk of the circuit court shall promptly report to the Division of Vital

Statistics of Kentucky full information as called for on forms furnished by the Division of Vital Statistcis, necessary to make a new birth certificate conforming to the standard birth certificate form. Upon receipt of this information, the Division of Vital Statistics shall cause to be made a new record of the birth in the new name and it shall be filed with the original certificate, and the original certificate shall be stamped with the words, "CONFIDENTIAL—subject to copy or inspection only on written order of court."

(2) The new certificate shall set forth the new name, if any, of the adopted child, the names of the adoptive parents and such other information deemed necessary in acordance with rules and regulations promulgated by the Division of Vital Statistics in the issuing of birth certificates for adopted children. If no birth certificate is on file for a child born in Kentucky, the Division of Vital Statistics shall prepare a certificate of birth in accordance with the regular procedure for issuing the birth certificate for a child whose original certificate is on file. The Division of Vital Statistics shall furnish to the clerks of the circuit courts the necessary forms to carry out the provisions of this section.

(3) Thereafter when any copy o fthe certificate of birth of any child is issued it shall be a copy of the new certificate of birth, except when an order of the court granting the judgment of adoption shall request the issuance of the copy of the original certificate of such child's birth.

(4) If any judgment of adoption is reversed, modified or vacated in any particular, the clerk of the circuit court shall notify the department and the Division of Vital Statistics of such reversal or modification and the effect of same, and thereupon such division shall make such changes if any, in its records as may be necessary by such reversal or modification.

(5) The Director of the Division of Vital Statistics is authorized to enter into reciprocal agreements with similar officers of other states, pursuant to which agreements each state will carry out substantially the provisions of this section with respect to the birth certificates and records of children born in the state and adopted in another state.

Section 6. Subsection (1) of section 199.600 of the Kentucky Revised Statutes is amended to read as follows: (1) In a proceeding involving a neglected or abandoned child, as defined in KRS 199.011, the circuit court may terminate all parental rights of the parents of such child, and declare the child to be a ward of the state, and may vest the care, custody and control of the child in the department, or in any licensed child-caring or child-placing agency or institution, if facilities are available to receive the child, if it is pleaded and proved in a private hearing that the parents have abandoned or deserted the child, or have substantially and continuously or repeatedly refused, or being able have neglected, to give the child parental care and protection, or that the child is neglected and that the parents have been adjudged mentally incompetent and such judgment has been in effect for not less than one year.

Section 7. Section 199.630 of the Kentucky Revised Statutes is amended to read as follows: (1) Any order terminating the parental rights of any person under KRS 199.600 to 199.620 shall be an exparte order, and the order, including the capition, shall contain only the name of the child, without any reference whatsoever to the names of the parents whose rights have been terminated. A certified copy of the order shall be given to the department, and to the institution or agency if the child is accepted for placement for adoption.

(2) Where parental rights have been terminated pursuant to KRS 199.600 to 199.620, all legal relationships between the parents and child shall cease to exist, the same as if the relationship of parent and child had never existed.

(3) No clerk's fees shall be charged or collected by the clerk of the court in any proceeding under KRS 199.600 to 199.620, nor shall any legal process tax or guardian ad litem's fee be charged or collected in any such proceeding.

Section 8. A new section of the statutes is created, to be numbered KRS 199.635 and to read as follows: (1) Any order or judgment in an adoption proceeding or in a proceeding for termination of parental rights shall not be entered upon the regular order book or judgment book of the court, but shall be signed and filed with the other records in the proceeding.

(2) The files and records of the court in adoption proceedings and in proceedings for termination of parental rights, including investigation reports and recommendations, shall not be open to inspection to any person other than the judge except upon order of the court expressly permitting inspection. No person having charge of any records in an adoption proceeding or in a proceeding for termination of parental rights shall disclose the names of any parties appearing in such records or furnish any copy of any such records, except upon order of the court in which the proceeding was conducted.

(3) Upon entering judgment in an adoption proceeding or in a proceeding for termination of parental rights, the judge shall seal in an envelope all of the papers in the proceeding, in such manner that the envelope cannot be opened without breaking the seal. The envelope shall be kept by the clerk in a locked file. Prior to the entry of judgment, all papers in the proceedings shall be kept by the clerk in a locked file.

(4) During the pendency of an adoption proceeding or a proceeding for termination of parental rights, or when an appeal has been taken from a judgment therein, the court, upon application of a party, his attorney, or a representative of the department, shall make available to the applicant such portion of the files and records in the proceeding as are material to the issues in the proceeding or on the appeal. Information disclosing or tending to disclose the identity of the natural parents of the child shall be presumed not to be material to the issues in an adoption proceeding, unless otherwise shown to the satisfaction of the court.

(5) Except as provided in subsection (4) of this section, a court shall not enter an order permitting inspection of the files and records of the court in an adoption proceeding or a proceeding for termination of parental rights except upon a written petition establishing to the staisfaction of the court the rights or interests of the petitioner require such inspection.

(6) Any violation of this section shall be punished as provided in subsection (10) of KRS 199.990.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 198. AN ACT, amending KRS 45.280, relating to petty cash funds of state budget units.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 45.280 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Any budget unit, when provided for by appropriation or when authorized by the Department of Finance, may establish one or more petty cash funds for the purpose of making disbursements requiring prompt cash outlay, and to carry out the provisions of KRS 42.060 (2) applying to the delegation of authority to purchase. The State Treasurer, upon warrants of the Department of Finance based upon a requisition from the head of the budget unit, shall pay to the head of such budget unit the amount necessary to establish such a fund. The custodian designated by the head of the budget unit shall, as often as may be necessary to replenish the fund and at least once each month, file with the Department of Finance a schedule of the disbursements from the fund, accompanied by appropriate vouchers and statements of indebtedness therefor approved by the head of the budget unit, and by a certificate as to the condition of the fund. The amount of the total of the approved voucher shall be paid to the custodian of the fund on the warrant of the Department of Finance, and the amount shall be devoted to reimbursement of the fund. Any question relative to the amount to be allowed in any petty cash fund, the expenditure thereof, the accounting therefor, and the repaymnet thereof to the State Treasurer, shall be determined by the Department of Finance. Each petty cash fund shall lapse with the appropriation on which it is based, but may be reestablished by appropriation for the next ensuing fiscal year or when authorized by the Department of Finance.

(2) Where work is done on public projects by the state through the use of its own personnel or facilities in whole or in part, which work is not subject to the provisions of KRS

42.070, the Budget unit having such work performed may, when authorized by the Department of Finance, establish a petty cash fund for the purpose of defraying the expenses of the proposed project, which fund shall not exceed at any time an amount equal to twenty-five (25%) percent of the anticipated total cost of the project."

By Mr. Lowman.

H. B. No. 199. AN ACT relating to barbers and bearty specialists.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (1) of section 317.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Barbering" includes any of the following practices, when done upon the upper part of the human body for cosmetic purposes and not for the treatment of physical or mental ailments and when done for payment either directly or indirectly or without payment for any person except a member of the immediate family of the person performing the act:

(a) Shaving or trimming the beard or cutting the hair;

(b) Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances;

(c) Singeing, shampooing, pressing, arranging, dressing or dyeing the hair or applying hair tonic, wave lotions or creams:

(d) Applying cosmetics, preparations, powders, oil, clay or lotions.

Section 2. Section 317.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fee for an examination for barber or beauty

specialist shall be fifteen dollars, and for issuance of a license, eight dollars. The fee for renewal of any barber's or beauty specialist's license, including an aprentice's license, shall be five dollars, and for the restoration of an expired license, eight dollars.

(2) The fee for an examination for an apprentice barber or beauty specialist shall be ten dollars, and for the issuance of the license, three dollars.

(3) The fee for an examination for manicurist shall be ten dollars, and for the issuance of a license, three dollars. The fee for the restoration or renewal of a manicurist's license shall be five dollars.

(4) The fee for an examination for teacher of beauty culture or barbering shall be twenty-five dollars, and for the issuance of a teacher's license, ten dollars. The fee for renewal or restoration of a teacher's license shall be ten dollars.

(5) The annual license fee for a school of barbering or beauty culture shall be fifty dollars.

(6) The annual license fee for each barber shop or beauty shop shall be five dollars.

Section 3. Section 317.190 of the Kentucky Revised Statutes is amended to read as follows:

A duplicate license certificate shall be issued to an applicant filing a statement verified by his oath and covering the loss of his certificate. A fee of two dollars shall be charged for the issuance of a duplicate. Each duplicate shall have the word "duplicate" stamped across its face, and shall bear the same date and show the number of the original certificate.

Section 4. Subsection (1) of section 317.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) No school of barbering or beauty culture shall be approved by the Board unless it requires as a prerequisite to graduation a course of instructions of not less than twelve hundred hours, to be completed in not less than six months of not more than ten hours a day. The course of instruction shall include the following subjects: Histology of the hair, skin,

nails, muscles and nerves of the face, and neck; elementary chemistry, relating to sterilization and antiseptics; diseases of the skin, hair and glands; massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair, and such other courses as scientific research and progress in the future render desirable.

Section 5. Section 317.210 of the Kentucky Revised Statutes is amended to read as follows:

The Board may refuse to issue or renew, or may suspend or revoke any license for any of the following causes:

(1) The conviction of a felony, as shown by a certified copy of a judgment of conviction of any court.

(2) Gross malpractice or gross incompetency.

(3) Continued practice by a person knowingly having an infectious or contagious disease.

(4) Habitual drunkenness or habitual addiction to morphine, cocaine or other habit-forming drugs.

(5) The use of any place or premise for barbering or beauty culture that is also used in any manner or at any time for sleeping, residential or business purposes, except the sale of hair tonics, lotions, creams and such other commodities as are used in barber and beauty shops, unless every portion of the place or premise used in connection with the practice of barbering or beauty culture is separated by a permanent partition of ceiling height from that portion used for sleeping, residential or business purposes.

(6) Advertising by known false means or deceptive statements, or advertising prices and barber services in any form, or in any way suggestive of prices.

(7) The violation of this chapter or any regulation of the Board.

(8) Continuing to be employed in a beauty shop, barber shop, barber school or beauty school in which the sanitary regulations of the Board for the regulation of beauty shops, barber shops, beauty schools or barber schools are known by

the beauty specialist, barber, apprentice or manicurist to be violated.

(9) Immoral or unprofessional conduct.

(10) Performing any of the services constitution barbering or beauty culture for pay, free or otherwise on Sunday.

Section 6. Section 317.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board shall elect a president and appoint a secretary.

(2) The secretary of the Board shall receive such salary as may be established by the Department of Finance pursuant to the provisions of Kentucky Revised Statutes 64.640, and shall be reimbursed for his necessary traveling expenses incurred in the actual discharge of his duty.

(3) Each member of the Board shall receive, as compensation for actual attendance on legally assembled meetings of the Board, twenty dollars for each day he attends as shown by the record, and shall be reimbursed for necessary traveling expenses.

Section 7. Section 317.320 of the Kentucky Revised Statutes is amended to read as follows:

No apprentice may practice barbering or beauty culture independently but may do any act constituting the practice or barbering or beauty culture under the immediate supervision of a licensed barber or beauty specialist.

No licensed barber or beauty shop shall employ more than one apprentice to every two licensed barbers or operators. Apprentice barbers shall serve their apprenticeship under licensed barbers, and apprentice beauty specialists shall serve their apprenticeship under licensed beauty specialists.

Section 8. Section 317.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates any provision of this chapter shall be fined not less than nineteen dollars nor more than five

hundred dollars, or imprisoned for not less than ten days nor more than thirty days, or both.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

Any person of good moral character who has been licensed by a barber's and beautician's Board of another state or territory may, upon the payment of a fee of forty dollars and the furnishing of such evidence of qualification and good health as the Board may require, be licensed without examination to practice within this state, provided such other state or territory extends similar reciprocity to the licensees of this state and demands substantially the same requirements for licensure as does this state.

Said bill was ordered printed and referred.

By Mr. Mobley.

H. B. No. 200. AN ACT relating to coroners, amending section 72.080 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 72.080 of the Kentucky Revised Statutes is amended to read as follows:

The coroner or his deputy may, if he deems it necessary, go to a body and take charge of it. If, in the opinion of the coroner, or of his deputy if the coroner is absent, an autopsy is necessary, such autopsy shall be performed by the coroner, his deputy, or a physician appointed by the coroner. If the coroner believes it necessary, he may order a dead body exhumed and have proper chemical or other examination made to determine the cause of death. A detailed description of the observations shall be written during the progress of the autopsy, or as soon thereafter as may be reasonably possible, and conclusions drawn therefrom shall be filed in the office of the coroner.

Said bill was ordered printed and referred.

By Mr. Ruh.

H. B. No. 201. AN ACT changing the classification of the City of Lakeside Park, in Kenton County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Lakeside Park, in Kenton County, is transferred from the sixth to the fifth class of cities.

Said bill was ordered printed and referred.

By Mr. Sanders and Wickliffe.

H. Res. No. 16. A RESOLUTION authorizing Margaret M. Hoppe and Carl Hoppe, Jr. to sue the Commonwealth of Kentucky or either of them.

Said resolution is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Margaret M. Hoppe and Carl Hoppe, Jr. are hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Circuit Court held in and for Boyle County, Kentucky, this being the county of their residence, and the county in which the injuries and damages complained of occurred, and the county where such injuries and damages were the direct and proximate result of the alleged carelessness and negligence of the Department of Highways.

Section 2. The said suit of Margaret M. Hoppe shall be for an amount not exceeding $25,000.00; and the suit of the said Carl Hoppe, Jr., shall be for an amount not exceeding $1,540.00.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate these claims against the Commonwealth of Kentucky and the Department of Highways, or either of them, and settle said claims before or after suit is filed if he deems it advisable. Any amount recovered in said

suit or by said settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

Section 4. No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Highways, or either of them, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Said resolution was ordered printed and referred to Committee on Claims.

By Mr. Hewlett.

H. Res. No. 17. A JOINT RESOLUTION authorizing the payment to B. N. Gordon, an attorney, claims for services as special judge of the Hopkins Circuit Court.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT B. N. Gordon, a regular practicing attorney of the Hopkins County Bar was appointed Special Judge in the May 1948 term of the Hopkins Circuit Court to preside at the trial of two indictments and one civil action and the regular judge of said court entered an order upon the Order Book allowing said B. N. Gordon $14.00 for each of five days, making a total of $70.00.

It appearing that said claim for services was not presented to the Commissioner of Finance within the time required by section 45.230 of the Kentucky Revised Statutes, and it further appearing that no payment of any part thereof has ever been made to said B. N. Gordon, and it further appearing that said claim is a just and honest one against the Commonwealth of Kentucky; the Commissioner of Finance is hereby authorized

and directed to draw his warrant upon the State Treasury in the sum of $70.00 in favor of B. N. Gordon, and the provision or regulation of law is now provided, it not being barred to the payment of said claim, and the amount necessary to pay said claim, being $70.00 is hereby appropriated out of the general fund for that purpose.

Said resolution was ordered printed and referred to Committee on Claims.

By Mr. Bach.

H. Res. No. 18. A JOINT RESOLUTION authorizing payment of a claim against the Department of Highways and the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the judgment of nine hundred dollars with interest from June 24, 1946, at the rate of six percent per annum in favor of Egerton Shaw is hereby authorized to be paid, and that a sufficient sum for that purpose is herby appropriated out of the State Road Fund. Immediately upon the effective date of this Resolution the Commissioner of Finance shall issue his warrant, in the amount of nine hundred dollars plus interest from June 24, 1946, at six percent per annum, upon the State Treasurer who shall issue a check in favor of Egerton Shaw.

Said resolution was ordered printed and referred to Committee on Claims.

By Mr. Bridgers.

H. Res. No. 19. A JOINT RESOLUTION authorizing Harry Bowman to file suit against the Comonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital, or any one or more of them.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Harry Bowman or, in the event of his death before or during the prosecution of this action to its final conclusion, his executor or administrator or, in the event that he become a incompetent as the result of this injury, his committee be and he is hereby empowered and authorized to sue the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital or any one or more of them, in Jefferson Circuit Court or the Franklin Circuit Court, for damages resulting from personal injuries, medical expense and lost time caused by alleged negligence on the part of the employes of the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital while said employes were in the line of duty as agents of the Commonwealth of Kentucky and while acting within the scope of their authority.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable. Said suit shall not be for a sum in excess of $25,000.00.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

The statute of limitations shall not begin to run in favor of the Commonwealth until this act becomes effective.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Said resolution was ordered printed and referred to Committee on Claims.

By Mr. Estep.

H. Res. No. 20. A JOINT RESOLUTION authorizing W. E. Callahan of Laurel County, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That W. E. Callahan of Laurel County, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky in the Laurel Circuit Court for the damages which he has suffered by reason of the false and malicious prosecution of him by officers of the Commonwealth.

Section 2. The suit shall be in a sum not in excess of ten thousand dollars.

Section 3. The Attorney General of the Comonwealth of Kentucky may investigate claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Said resolution was ordered printed and referred to Committee on Claims.

By Mr. Jonas and Sheehan.

H. B. No. 202. AN ACT relating to compensation of election officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 116.140 of the Kentucky Revised Statutes is amended to read as follows:

The judges, clerk and sheriff of election shall receive seven dollars each for each election in which they serve, including elections to fill vacancies, to be paid by the county. For delivering election returns the sheriff and the judge of the opposite political party from the sheriff shall receive in addition eight cents for each mile necessarily traveled from the place of voting to and from the place of delivery, to be paid by the county.

Said bill was ordered printed and referred.

By Mr. Morgan and Burnley.

H. B. No. 203. AN ACT relating to elections(with particular relation to elections, both regular and primary, in cities under the city manager form of government.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 89.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall be elected to the office of mayor, police judge or commissioner, in cities of the third or fourth class, without first having been nominated in the manner prescribed by this section. One the seventh Saturday before the day for the regular election there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least forty-five days before the day of the primary election, file with the county clerk a petition signed by at least fifty voters, in the following form:

"We the undersigned, qualified voters of the city of ---------- and residing each at the place indicated opposite his name, do hereby request that the name of ---------- be placed on the ballot as that of an applicant for nomination for the office of ----------, at the primary election to be held in our city on the seventh Saturday before the next regular election. We know the appli-

cant to be a qualified voter of the city and a person of good character, and he is, in our judgment, qualified for the duties of said office.

NAME	NUMBER	STREET
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The petition shall be verified by the affidavit of some person as to the genuiness of the signatures and addressed of the signers. No voter shall sign more than one petition with reference to each office that is to be filled. If any voter signs more than one petition of applicants for nomination for mayor or police judge, or signs the petition of more applicants for nomination for commissioners than the number of commissioners to be elected, the name of that petitioner shall not be counted as a valid name on any petition.

(3) Immediately upon the expiration of the time for filing petitions the county clerk shall have published for three consecutive days in the official newspaper of the city, and in such other papers as he may designate, the names of the persons as they will appear upon the primary ballots, and shall thereupon cause the primary ballots to be to be printed, authenticated with a fac simle of his signature.

(4) Subsection (3) of this section shall not apply if it appears, immediately upon the expiration of the time for filing petitions, that there are not more than two applicants for nomination as mayor or police judge, or not more applicants for nomination for commissioner than twice the number of commissioners to be elected. In that case the applicants for mayor or police judge and the applicants for commissioner shall thereby be nominated and their names shall not be placed upon the primary ballots, and no primary election shall be held for nomination for those offices.

(5) The names of the applicants for each nomination shall be printed on the ballots as provided in KRS 89.460, with a square at the right of each name. Above the names of the applicants for nomination for mayor or police judge shall be

printed the words, "Vote for one," and above the names of the applicants for nominations for commissioners shall be printed the words, "Vote for four," in a city of the fourth class, or "Vote for two" in a city of the third class. The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation.

(6) After the ballots are printed, the county clerk shall cause to be delivered at each polling place a number of ballots equal to twice the number of votes cast in the polling precinct at the last preceding regular election for mayor. The persons who are qualified to vote the regular municipal election shall be qualified to vote at the primary election, and the law applicable to challenges made at a regular municipal election shall be applicable to challenges made at the primary election.

(7) The ballots shall be counted as provided in the general election laws, and after being so counted the result shall be published at least once in the official newspaper of the city.

(8) The two applicants receiving the highest number of votes for nomination for mayor and the two applicants receiving the highest number of votes for nomination for police judge, shall be thereby nominated. The eight applicants, in a city of the fourth class, or the four applicants, in a city of the third class, receiving the highest number of votes for nomination for commissioners shall be thereby nominated.

(9) The expense of the primary elections shall be paid by the city.

Section 2. Section 89.450 of the Kentucky Revised Statutes is amended to read as follows:

At the regular election following the primary election, in cities of the third or fourth class, the names of the nominees shall be placed upon ballots like those used at the primary election, except that the regular election ballots shall contain only the names of the successful nominees. The nominee receiving the greater number of votes cast for mayor, the nominee receiving the greater number of votes cast for police judge, and the four nominees, in a city of the fourth class, or the two nominees, in a city of the third class, receiving the greater number

of votes for commissioners shall be elected, respectively, mayor, police judge and commissioners.

Section 3. Subsection (1) of Section 89.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) At all elections held under the city manager form of government, in cities of the third or fourth class, the ballots shall be on a different sheet from all other ballots to be used in the election and shall be in the form therein prescribed, except the words "City Ballot" shall be at the head thereof and the names of all candidates for each office shall be printed on the ballot in a single column. The names of the candidates for each office shall be printed on the first fifty ballots in alphabetical order, and on each of the succeeding fifty ballots the names shall be printed in the same order except that the first name on the preceding fifty ballots shall be shifted to the last place on the next succeeding fifty ballots, and the last name so shifted from the first place on the preceding fifty ballots shall be succeeded by the second name. A like change or rotation shall be made throughout in the printed order of names for every fifty ballots.

Section 4. A new section of the statutes is created, to be numbered KRS 89.465 and to read as follows:

In cities of the second class, the mayor, commissioners and police judge shall be nominated and elected in the manner provided by the general election laws and general primary laws for the nominations and election of sttae and county officers.

Section 5. Subsection (4) of Section 119.020 of the Kentucky Revised Statutes is amended to read as follows:

(4) This chapter does not apply to candidates for subdistrict school trustees, members of boards of education, members of the legislative bodies of cities of the fifth or sixth class, or presidential electors, nor to candidates for mayor, police judge or commissioner in cities of the second or fourth class operating under the commission form of government and in cities of the third or fourth class operating under the city manager form of government.

Section 6. This Act shall become effective on January 1, 1953.

Said bill was ordered printed and referred.

By Mr. Morgan and Burnley.

H. B. No. 204. AN ACT relating to the acquisition of industrial buildings and equipment by cities, amending section 103.200 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 103.200 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 103.200 to 103.280, "industrial buildings" or "building" means any building or structure suitable for and intended for use as a factory, mill, shop, processing plant, assembly plant or fabricating plant, and/or the necessary operating machinery and equipment, to be rented or leased to an industrial concern by the city by which it is acquired.

Said bill was ordered printed and referred.

By Mr. Morgan and Burnley.

H. B. No. 205. AN ACT relating to compensation of county officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Notwithstanding any of the provisions of KRS 64.480 to 64.760, and notwithstanding any action or non-action of a fiscal court contemplated by or referred to in those statutes, any county officer in a county having a population of less than 75,000, who was elected at the regular November election in 1949, and who is compensated wholly or in part from fees, shall receive as compensation, if the sources of the compensation are adequate for that purpose, a maximum of $7,200 per year for such years, of the term for which he was elected in 1949, as

have not expired at the time this Act take effect. If the sources of the compensation are not adequate to allow the maximum, the officer shall receive whatever amount is available.

Said bill was ordered printed and referred.

By Mr. Morgan and Burnley.

H. B. No. 206. AN ACT relating to support of dependents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 407.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) A husband in one state is hereby declared to be liable for the support of his wife and any child or children under seventeen years of age and any other dependent residing or found in the same state or in another state having substantially similar or reciprocal laws, and, if possessed of sufficient means or able to earn such means, may be required to pay for their support a fair and reasonable sum acoording to his means, as may be determined by the court having jurisdiction of the respondent in a proceeding instituted under this chapter.

(2) A mother in one state is hereby declared to be liable for the support of her child or children under seventeen years of age residing or found in the same state or in another state having substantially similar or reciprocal laws, whenever the father of such child or children is dead, or cannot be found, or is incapable of supporting such child or children, and, if she is possessed of sufficient means or able to earn such means, she may be required to pay for the support of such child or children a fair and reasonable sum acording to her means, as may be determined by the court having jurisdiction of the respondent in a proceeding instituted under this chapter.

(3) The parents in one state are hereby declared to be severally liable for the support of a child seventeen years of age or older residing or found in the same state or in another state having substantially similar or reciprocal laws, whenever such

child is unable to maintain himself and is likely to become a public charge.

(4) A child or children born of parents who, at any time prior or subsequent to the birth of such child, have entered into a civil or religios marriage ceremony, shall be deemed the legitimate child or children of both parents, regarless of the validity of such marriage.

(5) A child or children born of parents who held or hold themselves out as husband and wife by virtue of a common law marriage recognized as valid by the laws of the initiating state and of the responding state shall be deemed the legitimate child or children of both parents.

(6) A woman who was or is held out as his wife by a man by virute of a common law marriage recognized as valid by the laws of the initiating state and of the responding state shall be deemed the legitimate wife of such man.

(7) Notwithstanding the fact that the respondent has obtained in any state or country a final decree of divorce or separation from his wife or a decree dissolving his marriage, the respondent shall be deemed legally liable for the support of any dependent child of such marriage.

(8) An adult person residing in one state is hereby declared liable for the support of a parent who is destitute of means of subsistence and unable because of old age, infirmity or illness to support himself or herself, residing or found in the same state or in another state having snubstantially similar or reciprocal laws.

Said bill was ordered printed and referred.

By Mr. Webster.

H. B. No. 207. AN ACT relating to coroners, amending section 213.090 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 213.090 of the Kentucky Revised Statutes is amended to read as follows:

When a death occurs without the attendance of a physician within two weeks prior to death, the undertaker shall give notice and details of the death to the coroner in order that he shall determine the necessity of inquest before issuing burial permit. Any coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the nature of the disease or the manner of death. If the death was from external causes of violence, he shall state whether, in his opinion, the death was accidental, suicidal or homicidal. In any case he shall furnish the information required by the Division of Vital Statistics to properly classify the death.

Said bill was ordered printed and referred.

By Mr. Webster.

H. B. No. 208. AN ACT relating to the compensation of coroners, amending section 64.180 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Coroners shall receive, out of the county treasury, such monthly compensation as the fiscal court of each county shall fix, subject to the following minimums:

County Population	Monthly Minimum Compensation
(a) 7,000 or less	$ 50.00
(b) 7,001 to 12,000	75.00
(c) 12,001 to 20,000	100.00
(d) 20,001 to 40,000	125.00
(e) 40,001 to 60,000	150.00
(f) 60,001 to 100,000	175.00

(2) In counties having a population of more than 100,000

and containing a city having a population of more than 40,000 coroners shall receive, out of the county treasury, such monthly compensation as the fiscal court shall fixe subject to a minimum of $200.00 per month. In addition such coroners may receive such supplemental salary as the county and city over 40,000 population may agree upon, and such supplemental salary and fees as the city may wish to pay.

Section 2. The provisions of this Act shall not apply to any coroner in office on the date it becomes effective.

Said bill was ordered printed and referred.

By Mr. Breathitt.

H. B. No. 209. AN ACT relating to the ad valorem taxation of unmanufactured agricultural products.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of section 132.200 of the Kentucky Revised Statutes is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(5) (a) Unmanufactured agricultural products except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loan or loans thereon granted by the United States Government or any agency thereof. Except, further, that cities and counties may each impose an ad valorem tax of not exceeding fifteen cents on each one hundred dollars of the first cash value of all unmanufactured agricultural products subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the

producer to whom the products have been conveyed or assigned for the purpose of sale.

(b) Unmanufactured agricultural products being held by dealers in storage warehouses pending shipment orders for export shall be exempt from taxation for state and local purposes for a period not to exceed twelve months.

Said bill was ordered printed and referred.

By Mr. Wirsch, Gay and Lambert.

H. Res. No. 21. A RESOLUTION inviting General Douglas MacArthur to address the House of Representatives.

Said resolution is as follows, viz:

A RESOLUTION inviting General Douglas MacArthur to address the House of Representatives.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That General Douglas MacArthur be, and he hereby is respectfully invited to address the House of Representatives of the Commonwealth of Kentucky on a day (except Saturday or Sunday) and at a time convenient to him, but prior to March 1, 1952.

2. The Clerk of the House is hereby directed to notify the said General Douglas MacArthur by sending him a copy of this Resolution with the request that he reply thereto immediately.

3. Upon receipt of a reply from General Douglas MacArthur the Clerk shall notify the House of the date and hour when he will appear, if he so signifies his intention to appear, and the House shall at said time resolve itself into a Committee of the Whole to hear his message.

4. Should General Douglas MacArthur signify his intention to appear, the Speaker of the House of Representatives shall appoint a committee to greet him and escort him to the Chamber of the House of Representatives.

Said resolution was ordered referred.

COMMITTEE REPORTS

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred reported a bill of the following title, viz:

H. B. No. 152. AN ACT relating to the ad valorem tax system of the state, counties, cities and other taxing districts.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7); KRS 341.090 (3); KRS 341.145; KRS 341.200; KRS 341.230; KRS 341.260; KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370; (4) and (5) KRS 341.380; KRS 341.390; KRS 341.420 (3); KRS 341.540; and KRS 341.990 (5).

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 142. AN ACT relating to Descent and Distribution and Amending Section 391.080 of Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 140. AN ACT relating to traffic regulations and equipment of vehicles.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 14. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest," and declaring an emergency.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex W. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 13. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex W. Calvert, Chairman of the Committee on Ken-

tucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 1. AN ACT relating to bribery of participants in professional or amateur games, sports, contests and horse racing.

With the expression of opinion that same should pass, with the committee amendment attached thereto.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. C. J. Holsclaw, Chairman of the Committee on Ways & Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 63. AN ACT relating to actiond for libel or slander amending section 411.050 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. C. J. Holsclaw, Chairman of the Committee on Ways & Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 64. AN ACT relating to disclosure of sources of information published by newspapers, radio and television stations amending section 421.100 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Hobart Rayburn, Vice Chairman of the Committee on

Education, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 8. AN ACT relating to schools.

With the expression of opinion that same should pass, with the committee amendment attached thereto.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl J. Ruh, Chairman of the Committee on Cities of the 2nd. Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

With the expression of opinion that same should pass, with the amendment attached thereto.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl J. Ruh, Chairman of the Committee on Cities of 2nd. Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 104. AN ACT relating to juries in police courts in cities of the second class.

With the expression of opinion that same should pass, with the amendment attached thereto.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

CALENDAR

The House took up for consideration from the Calendar, House Bills and a resolution of the following titles, viz:

Mr. Lowman moved that the constitutional provision as to

the second reading at length of said bills and resolution be dispensed with, and said bills be read for the second time by their title only.

Said motion was agreed to.

H. B. No. 22. AN ACT relating to the revocation or suspension of alcoholic beverage licenses; amending Section 243.500 of the Kentucky Revised Statutes.

H. B. No. 42. AN ACT relating to the reappraisal of property for ad valorem taxes in cities, counties and other taxing districts.

H. B. No. 55. AN ACT concerning pay of jurors.

H. Res. No. 8. A RESOLUTION concerning the naming of the body of water impounded by Wolf Creek Dam.

H. B. No. 101. AN ACT relating to the trust and agency fund of the Metal Stamping Plant in the Department of Welfare.

H. B. No. 115. AN ACT permitting the creation of a County Police Force Merit System, providing for the establishment of a Merit Board and defining its powers and duties, and providing for the classification, qualification, examination, appointment, tenure, promotion, demotion, fine, suspension, discipline, immunities and removal of police personnel, prohibiting certain defined political activities, providing penalties therefor and repealing laws in conflict.

H. B. No. 26. AN ACT relating to credits on qualifying examinations for public office or employment, for physically handicapped persons.

H. B. No. 96. AN ACT relating to election precincts, amending section 116.180 of the Kentucky Revised Statutes.

H. B. No. 97. AN ACT relating to voting procedure, amending section 118.280 of the Kentucky Revised Statutes.

H. B. No. 99. AN ACT relating to support of children, amending section 405.020 of the Kentucky Revised Statutes.

H. B. No. 95. AN ACT relating to qualification, registration and purgation of voters.

H. B. No. 98. AN ACH relating to absent voting, amending sections 126.160, 126.170 and subsection (3) of section 126.270 of the Kentucky Revised Statutes.

H. B. No. 24. AN ACT relating to State aid for district tuberculosis sanatoria amending Section 215.320 of the Kentucky Revised Statutes.

H. B. No. 100. AN ACT relating to the Department of Welfare, including smoking regulations in the Penal Institutions and Houses of Reform.

H. B. No. 70. AN ACT relating to fertilizer.

H. B. No. 4. AN ACT changing the classification of the City of Elsmere, in Kentucky County.

Ordered that each of said bills and resolution be placed in Orders of Day.

Mr. Duncan moved that the rules be suspended for the purpose of permitting him to move that H. B. No. 33 be recommitted.

The Speaker ruled said motion out of order for the reason that H. B. No. 33 was reported adversely by the Committee to which it had been referred on Tuesday, January 29, 1952, and no motion having been made to give said bill the first reading, said bill had been rejected by the House.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 59. AN ACT relating to policemen's and firemen's pension funds in cities of the second and third classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.550 of the Kentucky Revised Statutes is amended to read as follows:

(1) The pensions or benefits paid for disability or death from the policemen's and firemen's pension fund in cities of the second and third classes shall be as follows:

(a) If any member of the police or fire department becomes temporarily totally disabled, physically or mentally while in the performance of duty and by reason of service in the department, the board of trustees of the pension fund shall order paid to him monthly, during his disability but not longer than one year, a sum of not more than sixty dollars per month, the amount to be determined by the board. This provision shall not apply if a salary is paid during the same period.

(b) If any member of the police or fire department becomes permanently disabled, physically or mentally, while in the performance of duty and by reason of service in the department, so as to render necessary his retirement from service in the department, the board of trustees shall retire him from service and order paid to him monthly fifty percent of his monthly salary at the time of his retirement.

(c) If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in the service from any cause as a result of his service in the department, or dies in service or while on the retired list from any cause after fifteen consecutive years of service in the department, and leaves a widow or a child under eighteen years of age the board of trustees shall order a pension paid to the widow or child. There shall be paid monthly to the widow, while unmarried, a pension of fifty dollars, and for each child until it reaches the age of eighteen years fifteen dollars. If the deceased member was unmarried and childless, a pension shall be paid to his dependent father and mother of fifty dollars per month. If one parent is dead, the other shall receive the entire fifty dollars, and if both are living, each shall receive twenty-five dollars.

(2) No person shall receive a pension from the policemen's and firemen's pension fund except as provided in this section.

(3) Any widow, child or dependent parent receiving a pension under the provisions of this section on the effective

date of this Act shall be entitled, on all future pension payments, to the increase benefits provided herein.

Mr. Lowman offered the following amendment to said bill, viz:

Amendment No. 1.Amend printed copy of H. B. 59 on pages 2 and 3, lines 32, 33, 37, 39, 41 and 42, by striking therefrom the word "shall" and substituting in lieu thereof the word "may."

Said amendment was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	J. C. Bradley	C. E. Dowell
Dr. John Adkins, Jr.	Thomas L. Britton	James A. Dressman, Jr.
Henry Arrowood	Mrs. Mary E. Burnete	Thomas R. Duncan
Everett J. Bach	Alex H. Calvert	R. L. Dunigan
Sidney Baer	Walter J. Chyle, Jr.	Jack Early
John Rhea Banton	Lewis W. Combest	Harold Edwards
Clarence J. Barnum	Marvin A. Cornett	William Engle
Owen Billington	Josh R. Cosby	Roscoe Estep
Wm. W. Blanton	Charles M. Crowe	Herbert Fern

Wm. P. Friedlander	William Maglinger	Clem Schroader
Leslie Gay	Shelby McCallum	Gus F. Sheehan, Jr.
Henry J. Giles	G. Lee McClain	Dr. B. F. Shields
Chas. M. Greene	Russell L. Meadows	E. A. Spencer
Henry C. Hale	Tom Mobley	Mrs. Thelma Stovall
Eugene B. Hancock	Robert H. Moore	E. H. (Ted) Stumbo
John Head	Walter R. Moorman	Egbert V. Taylor
Farmer Helton	Fred H. Morgan	Albert Thomason
William K. Henry	Earl F. Murphy	William F. Threlkeld
Henry R. Heyburn	Thomas J. Murphy	Marion Vance
E. R. Hilton	Ewin C. Neville	J. B. Veech
Ray Holbrook	Bart N. Peak	Eulick (Mike) Walsh
Chester J. Holsclaw	Louis T. Peniston	Wm. Thos. Wathen
William M. Horn	Hobart Rayburn	L. M. Weathers
Paul S. Jonas	Tipton Reed	W. W. Webster
William L. Jones	J. F. Robinson	Morris Weintraub
Jennings Kearby	Earl Rogers	Hicks Wells
James W. Lambert	Joe Rouse	W.A.(Pete)Wickliffe
Jesse H. Lawrence	Carl J. Ruh	Charles W. Wirsch
Paul M. Lewis	Amos Runyon	Walker H. Wiseman
Mrs. J. T. Linton	Cecil Sanders	—89

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 118.040 of the Kentucky Revised Statutes is amended to read as follows:

The polls shall be opened at 7 a. m. and kept open continuously until 5 p. m. of the same day. Before receiving any ballots, the officers of election shall cause to be proclaimed that the election is opened.

Section 2. Section 119.040 of the Kentucky Revised Statutes is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in August of each year between the hours of 7 a. m. and 5 p. m., at the regular polling places in each election precinct.

Section 3. Subsection (1) of Section 118.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the hour of 5 p. m. arrives the election officers shall announce the fact at the door of the voting room and close the polls. They shall take charge of the ballot box, and in the presence of each other shall place the lock on the small vent in the lid and securely lock it. The election officers shall then place upon all unused stubs and ballots, with rubber stamp or by writing, the word, "Unused," and place them, with the stub book and other utensils or election material, into the linen envelope provided by the county clerk for the purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon the wax, so as to make the letters plainly visible in three different places on the envelope. The sheriff of election and the judge of opposite faith shall forthwith convey the ballot box, the key to the vent lock, and the envelope to the county clerk, taking his receipt therefor. The sheriff and judge shall see that no person other than themselves has access to, or custody of, the ballot box, and they shall each remain in the presence of the other until the box, key and envelope are delivered to the county clerk.

Section 4. Subsection (3) of Section 118.370 of the Kentucky Revised Statutes is amended to read as follows:

(3) The county board of election commissioners shall meet for the purpose of counting the ballots, issuing certificates and making a report, at 6 p. m. on the day of the election, in the office of the county clerk or in some other room designated by the board. The board shall proceed as speedily as practicable to count the ballots of every precinct in the county. At the finish of each precinct the board shall announce the results at the door of the room where the count is being conducted, and shall fill out the blank in the back of the stub book provided that purpose, and each commissioner shall sign the blank in the proper place. The board shall remain in session for the purpose of ascertaining the results of the election until midnight on the election day, and if the count is not then completed it may then adjourn until the following day at 8 a. m., unless the following day is a Sunday, in which case it shall adjourn until 8. a. m., on the day following the Sunday. If the day following the election is a legal holiday, the board may adjourn until 8 a. m. on the day following the legal holiday. On the adjourned day the board shall remain in session, if necessary to complete the count, until 6 p. m., or longer in its discretion. If the count is not then completed, the board shall reconvene during the same hours on each succeeding day, except Sundays and on such legal holidays as the board decides not to meet, until the count is completed.

Mr. Ruh offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of H. B. No. 14 on page 1, section 1, line 3, and page 2, section 2, line 6 by striking therefrom the numeral "7" and substituting in lieu thereof the numeral "6".

The yeas and nays being requested by Mr. Ruh and Kearby. The yeas and nays being taken were as follows:

Those who voted in the affirmative were—

Bill Adams	Sidney Baer	J. C. Bradley
Dr. John Adkins, Jr.	John Rhea Banton	Edw. T. Breathitt
Everett J. Bach	Owen Billington	Walter J. Chyle, Jr.

Josh R. Cosby	William L. Jones	Clem Schroader
Charles M. Crowe	Jennings Kearby	Gus F. Sheehan, Jr.
C. E. Dowell	James W. Lambert	Dr. B. F. Shields
James A. Dressman, Jr.	Jesse H. Lawrence	John A. Sloan
Thomas R. Duncan	Paul M. Lewis	E. A. Spencer
R. L. Dunigan	Shelby McCallum	Mrs. Thelma Stovall
Jack Early	G. Lee McClain	E. H. (Ted) Stumbo
William Engle	Tom Mobley	Egbert V. Taylor
Roscoe Estep	Robert H. Moore	Albert Thomason
Herbert Fern	Fred H. Morgan	William F. Threlkeld
Wm. P. Friedlander	Earl F. Murphy	Marion Vance
Leslie Gay	Thomas J. Murphy	J. B. Veech
Henry J. Giles	Ewin C. Neville	Wm. Thos. Wathen
Chas. M. Greene	Bart N. Peak	L. M. Weathers
Henry C. Hale	Louis T. Peniston	W. W. Webster
Eugene B. Hancock	Hobart Rayburn	Morris Weintraub
John Head	Tipton Reed	Hicks Wells
Farmer Helton	J. F. Robinson	William B. Wells
Thomas D. Hewlett	Earl Rogers	W. A. (Pete) Wickliffe
Henry R. Heyburn	Joe Rouse	Charles W. Wirsch
E. R. Hilton	Carl J. Ruh	Walker H. Wiseman
Ray Holbrook	Cecil Sanders	Garrett L. Withers
William M. Horn		

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Those who voted in the negative were—

Clarence J. Barnum	Marvin A. Cornett	Walter R. Moorman
Wm. W. Blanton	William K. Henry	Amos Runyon
Mrs. Mary E. Burnete	Russell L. Meadows	Eulick (Mike) Walsh

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Said amendment was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length the third time.

Mr. Hilton moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Henry Arrowood	Henry R. Heyburn	Amos Runyon
Sidney Baer	E. R. Hilton	Clem Schroader
John Rhea Banton	Ray Holbrook	Gus F. Sheehan, Jr.
Clarence J. Barnum	William M. Horn	Dr. B. F. Shields
Owen Billington	Jennings Kearby	John A. Sloan
Edw. T. Breathitt	Jesse H. Lawrence	E. A. Spencer
Walter J. Chyle, Jr.	Mrs. J. T. Linton	Mrs. Thelma Stovall
Lewis W. Combest	Harry K. Lowman	E. H. (Ted) Stumbo
Josh R. Cosby	Shelby McCallum	Albert Thomason
James A. Dressman, Jr.	G. Lee McClain	William F. Threlkeld
Thomas R. Duncan	Russell L. Meadows	Marion Vance
R. L. Dunigan	Robert H. Moore	J. B. Veech
Jack Early	Fred H. Morgan	Wm. Thos. Wathen
William Engle	Earl F. Murphy	L. M. Weathers
Roscoe Estep	Thomas J. Murphy	Morris Weintraub
Herbert Fern	Ewin C. Neville	Hicks Wells
Wm. P. Friedlander	Bart N. Peak	William B. Wells
Chas. M. Greene	Tipton Reed	W. A. (Pete) Wickliffe
Henry C. Hale	J. F. Robinson	Charles W. Wirsch
Eugene B. Hancock	Earl Rogers	Walker H. Wiseman
Farmer Helton	Joe Rouse	Garrett L. Withers
Thomas D. Hewlett	Carl J. Ruh	—65

Those who voted in the negative were—

Bill Adams	J. C. Bradley	Mrs. Mary E. Burnete
Dr. John Adkins, Jr.	Edward O. Bridgers	Alex H. Calvert
Wm. W. Blanton	Thomas L. Britton	Marvin A. Cornett

Charles M. Crowe	Chester J. Holsclaw	Louis T. Peniston
C. E. Dowell	Paul S. Jonas	Hobart Rayburn
Harold Edwards	William L. Jones	Cecil Sanders
Leslie Gay	James W. Lambert	Egbert V. Taylor
Henry J. Giles	Paul M. Lewis	Eulick (Mike) Walsh
John Head	William Maglinger	W. W. Webster
William K. Henry	Walter R. Moorman	—29

Resolved that the title thereof be as aforesaid.

Mr. Hilton moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 11. AN ACT relating to terms of court in the Fifteenth Judicial District.

Said bill is as follows, Viz,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (15) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in county at the following named time, and continue, if the business requires it, the number of days hereinafter pre-prescribed:

* * * * *

(15) *Fifteenth District.* Boone County, at Burlington, on the second Monday in April, August and December, twelve juridical days each.

Carroll County, at Carrollton, on the fourth Monday in April, August and November, twelve juridical days each.

Gallatin County, at Warsaw, on the third Monday in March

and fourth Monday in June, twelve juridical days each; on the third Monday in November, six juridical days.

Grant County, at Williamstown, on the first Monday in February and October, eighteen juridical days each; on the first Monday in July, twelve juridical days.

Owen County, at Owenton, on the first Tuesday after the fourth Monday in February and October, seventeen juridical days each; on the third Monday in July, eighteen juridical days.

Section 2. This Act shall become effective on September 1, 1952.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Henry Arrowood	J. C. Bradley	Marvin A. Cornett
Everett J. Bach	Edw. T. Breathitt	Josh R. Cosby
Sidney Baer	Thomas L. Britton	Charles M. Crowe
John Rhea Banton	Mrs. Mary E. Burnete	James A. Dressman, Jr.
Clarence J. Barnum	Alex H. Calvert	Thomas R. Duncan
Owen Billington	Walter J. Chyle, Jr.	R. L. Dunigan
Wm. W. Blanton	Lewis W. Combest	Jack Early

Harold Edwards	Jesse H. Lawrence	Cecil Sanders
William Engle	Paul M. Lewis	Clem Schroader
Roscoe Estep	Mrs. J. T. Linton	Gus F. Sheehan, Jr.
Herbert Fern	Harry K. Lowman	Dr. B. F. Shields
Wm. P. Friedlander	William Maglinger	John A. Sloan
Henry J. Giles	Shelby McCallum	Mrs. Thelma Stovall
Chas. M. Greene	Russell L. Meadows	E. H. (Ted) Stumbo
Henry C. Hale	Tom Mobley	Egbert V. Taylor
Eugene B. Hancock	Robert H. Moore	Albert Thomason
John Head	Walter R. Moorman	William F. Threlkeld
Farmer Helton	Fred H. Morgan	J. B. Veech
William K. Henry	Earl F. Murphy	Eulick (Mike) Walsh
Thomas D. Hewlett	Thomas J. Murphy	Wm. Thos. Wathen
Henry R. Heyburn	Ewin C. Neville	L. M. Weathers
Ray Holbrook	Bart N. Peak	W. W. Webster
Chester J. Holsclaw	Louis T. Peniston	Morris Weintraub
William M. Horn	Tipton Reed	Hicks Wells
Paul S. Jonas	Earl Rogers	William B. Wells
William L. Jones	Joe Rouse	W.A.(Pete)Wickliffe
Jennings Kearby	Carl J. Ruh	Charles W. Wirsch
James W. Lambert	Amos Runyon	Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 116. AN ACT relating to terms of court in the Twenty-Fourth Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (24) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

(24) Johnson County, at Paintsville, on the third Monday in January, the third Monday in April, and the second Monday in September, twenty-four juridical days each.

Lawrence County, at Louisa, on the second Monday in March, the third Monday in June, and the fourth Monday in October, eighteen juridical days each.

Martin County, at Inez, on the third Monday in February, the third Monday in May, and the fourth Monday in November, eighteen juridical days each.

Section 2. This Act shall become effective on September 1, 1952.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Owen Billington	Alex H. Calvert
Henry Arrowood	Wm. W. Blanton	Walter J. Chyle, Jr.
Everett J. Bach	J. C. Bradley	Lewis W. Combest
Sidney Baer	Edw. T. Breathitt	Marvin A. Cornett
John Rhea Banton	Thomas L. Britton	Josh R. Cosby
Clarence J. Barnum	Mrs. Mary E. Burnete	Charles M. Crowe

C. E. Dowell	William L. Jones	Amos Runyon
James A. Dressman, Jr.	Jennings Kearby	Gus F. Sheehan, Jr.
R. L. Dunigan	James W. Lambert	Dr. B. F. Shields
Jack Early	Jesse H. Lawrence	E. A. Spencer
Harold Edwards	Paul M. Lewis	Mrs. Thelma Stovall
William Engle	Mrs. J. T. Linton	E. H. (Ted) Stumbo
Roscoe Estep	Harry K. Lowman	Egbert V. Taylor
Herbert Fern	Shelby McCallum	Albert Thomason
Wm. P. Friedlander	Russell L. Meadows	William F. Threlkeld
Leslie Gay	Tom Mobley	J. B. Veech
Henry J. Giles	Robert H. Moore	Eulick (Mike) Walsh
Chas. M. Greene	Walter R. Moorman	Wm. Thos. Wathen
Henry C. Hale	Fred H. Morgan	L. M. Weathers
Eugene B. Hancock	Earl F. Murphy	W. W. Webster
John Head	Thomas J. Murphy	Morris Weintraub
Farmer Helton	Ewin C. Neville	Hicks Wells
William K. Henry	Bart N. Peak	William B. Wells
Thomas D. Hewlett	Louis T. Peniston	W. A. (Pete) Wickliffe
Henry R. Heyburn	Tipton Reed	Charles W. Wirsch
E. R. Hilton	J. F. Robinson	Walker H. Wiseman
Chester J. Holsclaw	Earl Rogers	Garrett L. Withers
William M. Horn	Joe Rouse	
Paul S. Jonas	Carl J. Ruh	—85

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 53. AN ACT concerning certain changes in the provisions concerning the involuntary dissolution of private corporations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 271.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) In receivership suits in which a liquidating receiver has been appointed by the court to liquidate the assets of the corporation, when the costs and expenses of such suit and all debts, obligations and liabilities of the corporation have been paid and discharged and all of its remaining property and assets distributed to its shareholders, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts, and obligations, all the property and assets have been applied so far as they will go to their payment, the court may enter a decree dissolving the corporation, and upon such decree becoming final the existence of the corporation shall cease.

(2) A corporation may be dissolved by the decree of the circuit court of the county in which the registered office of the corporation is situated when its is made to appear that the corporation has an even number of directors who are equally divided respecting the management of its affairs, and that the voting shares of such corporation are equally divided into two independent ownerships or interests, and one-half thereof is owned or controlled by persons favoring the course or views of part of the directors and one-half is owned or controlled by persons favoring the course or views of other directors, or that the persons owning or controlling the voting shares are unable to agree on, or vote for, the election of a board of directors consisting of an uneven number. In any such case suit for the appointment of a receiver under Section 271.550, Kentucky Revised Statutes, shall be brought by the holders of shares entitling them to exercise one-half or more of the voting power of the corporation.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Farmer Helton	J. F. Robinson
Dr. John Adkins, Jr.	William K. Henry	Earl Rogers
Everett J. Bach	Thomas D. Hewlett	Joe Rouse
Sidney Baer	Henry R. Heyburn	Carl J. Ruh
John Rhea Banton	E. R. Hilton	Amos Runyon
Clarence J. Barnum	Ray Holbrook	Cecil Sanders
Owen Billington	Chester J. Holsclaw	Clem Schroader
Wm. W. Blanton	William M. Horn	Gus F. Sheehan, Jr.
J. C. Bradley	Paul S. Jonas	Dr. B. F. Shields
Edw. T. Breathitt	William L. Jones	John A. Sloan
Thomas L. Britton	Jennings Kearby	E. A. Spencer
Mrs. Mary E. Burnete	James W. Lambert	Mrs. Thelma Stovall
Alex H. Calvert	Jesse H. Lawrence	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Paul M. Lewis	Egbert V. Taylor
Marvin A. Cornett	Mrs. J. T. Linton	Albert Thomason
Josh R. Cosby	Harry K. Lowman	William F. Threlkeld
Charles M. Crowe	William Maglinger	Marion Vance
C. E. Dowell	Shelby McCallum	J. B. Veech
James A. Dressman, Jr.	G. Lee McClain	Eulick (Mike) Walsh
R. L. Dunigan	Russell L. Meadows	Wm. Thos. Wathen
Jack Early	Tom Mobley	L. M. Weathers
Harold Edwards	Robert H. Moore	W. W. Webster
William Engle	Fred H. Morgan	Morris Weintraub
Roscoe Estep	Earl F. Murphy	Hicks Wells
Herbert Fern	Thomas J. Murphy	William B. Wells
Wm. P. Friedlander	Ewin C. Neville	W. A. (Pete) Wickliffe
Henry J. Giles	Bart N. Peak	Charles W. Wirsch
Chas. M. Greene	Louis T. Peniston	Walker H. Wiseman
Henry C. Hale	Hobart Rayburn	
John Head	Tipton Reed	—89

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 1. AN ACT relating to the issuance of duplicate game, hunting, and fishing licenses and tags where such original license or tag is lost or destroyed; providing fees for such duplicate.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. If any game, hunting or fishing license certificate or tag provided for in Chapter 150, Kentucky Revised Statutes, is lost or destroyed, the person to whom such game, hunting or fishing license or tag was issued may obtain a duplicate or substitute by applying in person to the County Court Clerk of the County in which such original license certificate or tag was issued, furnishing proof satisfactory to the Clerk that the license certificate or tag has been lost or destroyed, and payment of twenty-five (25c) cents, which shall be retained by the Clerk.

Mr. Hale moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hale moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Henry C. Hale	J. F. Robinson
Dr. John Adkins, Jr.	Eugene B. Hancock	Earl Rogers
Everett J. Bach	Farmer Helton	Joe Rouse
Sidney Baer	William K. Henry	Carl J. Ruh
John Rhea Banton	Henry R. Heyburn	Amos Runyon
Clarence J. Barnum	E. R. Hilton	Cecil Sanders
Owen Billington	Ray Holbrook	Clem Schroader
Wm. W. Blanton	Chester J. Holsclaw	Gus F. Sheehan, Jr.
J. C. Bradley	William M. Horn	Dr. B. F. Shields
Edw. T. Breathitt	Paul S. Jonas	John A. Sloan
Thomas L. Britton	William L. Jones	Mrs. Thelma Stovall
Mrs. Mary E. Burnete	Jennings Kearby	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	James W. Lambert	Egbert V. Taylor
Lewis W. Combest	Jesse H. Lawrence	Albert Thomason
Marvin A. Cornett	Paul M. Lewis	William F. Threlkeld
Josh R. Cosby	Mrs. J. T. Linton	Marion Vance
Charles M. Crowe	Harry K. Lowman	J. B. Veech
C. E. Dowell	William Maglinger	Eulick (Mike) Walsh
James A. Dressman, Jr.	Shelby McCallum	Wm. Thos. Wathen
Thomas R. Duncan	G. Lee McClain	L. M. Weathers
R. L. Dunigan	Russell L. Meadows	W. W. Webster
Jack Early	Tom Mobley	Morris Weintraub
Harold Edwards	Robert H. Moore	Hicks Wells
William Engle	Walter R. Moorman	William B. Wells
Roscoe Estep	Fred H. Morgan	W. A. (Pete) Wickliffe
Herbert Fern	Thomas J. Murphy	Charles W. Wirsch
Wm. P. Friedlander	Ewin C. Neville	Walker H. Wiseman
Leslie Gay	Bart N. Peak	Garrett L. Withers
Henry J. Giles	Louis T. Peniston	
Chas. M. Greene	Hobart Rayburn	—88

Resolved that the title thereof be as aforesaid.

Mr. Hale moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered delivered to the Senate.

REFERRAL OF BILLS

House Bill No. 157. Kentucky Statutes No. 2
159. Kentucky Statutes No. 2
160. Agriculture
161. Veterans Legislation
162. Insurance
163. Education
164. Kentucky Statutes No. 1
165. Ways & Means
166. Criminal Law
167. Labor
168. Courts & Legal Procedures
169. Cities of Third Class
170. Labor
171. Labor
172. Ways & Means
174. Agriculture
175. Appropriations

Senate Resolution No. 5. Kentucky Statutes No. 2

Senate Bill No. 11. Judicial and Judiciary Council

Senate Bill No. 17. Kentucky Statutes No. 2

Senate Bill No. 21. Judicial and Judiciary Council

Senate Bill No. 45. Judicial and Judicial Council

Mr. Early arose to a point of order and stated that his construction of the rules did not permit H. Res. No. 21 to be referred by the Committee on Committees.

The Chair ruled that under Section 25 of the rules of the House that all bills and resolutions either joint or concurrent upon their introduction automatically was referred to the Committee on Committees, and that the point of order raised was not well taken.

Thereupon, Mr. Early stated that he desired to appeal from the ruling of the Chair, and the Speaker declared that said appeal could not be considered for the reason that it was out of order, since it was not made at the time of the introduction of said resolution, and being made at a time when other business was being considered by the House, that said appeal could not be entertained by the Chair.

Mr. Peak moved that Luther Stivers and Wanda Scott of Athens, Kentucky, be made Honorary Pages for the General Assembly of the 1952 Session.

Said motion was agreed to.

Mr. Lowman moved that the House do now adjourn to meet again at 10:00 o'clock a.m., Friday, February 1, 1952.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 1, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend H. Glenn Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Henry Arrowood	Sidney Baer
Dr. John Adkins, Jr.	Everett J. Bach	John Rhea Banton

Clarence J. Barnum	William K. Henry	J. F. Robinson
Owen Billington	Thomas D. Hewlett	Earl Rogers
Wm. W. Blanton	Henry R. Heyburn	Joe Rouse
J. C. Bradley	E. R. Hilton	Carl J. Ruh
Edw. T. Breathitt	Ray Holbrook	Amos Runyon
Edward O. Bridgers	Chester J. Holsclaw	Cecil Sanders
Thomas L. Britton	William M. Horn	Clem Schroader
Mrs. Mary E. Burnete	Paul S. Jonas	Gus F. Sheehan, Jr.
Alex H. Calvert	William L. Jones	Dr. B. F. Shields
Walter J. Chyle, Jr.	Jennings Kearby	E. A. Spencer
Lewis W. Combest	James W. Lambert	Mrs. Thelma Stovall
Marvin A. Cornett	Jesse H. Lawrence	E. H. (Ted) Stumbo
Josh R. Cosby	Paul M. Lewis	Egbert V. Taylor
Charles M. Crowe	Mrs. J. T. Linton	Albert Thomason
C. E. Dowell	Harry K. Lowman	William F. Threlkeld
James A. Dressman, Jr.	William Maglinger	Marion Vance
Thomas R. Duncan	Shelby McCallum	J. B. Veech
R. L. Dunigan	G. Lee McClain	Eulick (Mike) Walsh
Jack Early	Russell L. Meadows	Wm. Thos. Wathen
Harold Edwards	Tom Mobley	L. M. Weathers
William Engle	Robert H. Moore	W. W. Webster
Roscoe Estep	Walter R. Moorman	Morris Weintraub
Herbert Fern	Fred H. Morgan	Hicks Wells
Wm. P. Friedlander	Earl F. Murphy	William B. Wells
Leslie Gay	Thomas J. Murphy	W. A. (Pete) Wickliffe
Chas. M. Greene	Ewin C. Neville	Charles W. Wirsch
Henry C. Hale	Bart N. Peak	Walker H. Wiseman
Eugene B. Hancock	Louis T. Peniston	Garrett L. Withers
John Head	Hobart Rayburn	Charles W. Burnley,
Farmer Helton	Tipton Reed	Speaker

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Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees being as follows: R. O. Blevins, J. C. Denney, Jr., Henry J. Giles, George F. Harris, and John A. Sloan.

Mr. Barnum moved that the reading of the Journal of the

proceedings of Thursday, January 31, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Early moved that H. Res. No. 21 be taken from the Clerk's desk, and placed upon its passage.

Mr. Wirsch and Greene requested that the yeas and nays be taken on said motion.

The yeas and nays being taken in accordance with the Constitutional provision, were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Chas. M. Greene	Gus F. Sheehan, Jr.
Dr. John Adkins, Jr.	Farmer Helton	E. A. Spencer
Thomas L. Britton	Thomas D. Hewlett	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Jennings Kearby	Egbert V. Taylor
Lewis W. Combest	James W. Lambert	Albert Thomason
Marvin A. Cornett	Jesse H. Lawrence	Marion Vance
Charles M. Crowe	Hobart Rayburn	Morris Weintraub
R. L. Dunigan	J. F. Robinson	Charles W. Wirsch
Jack Early	Earl Rogers	Garrett L. Withers
Roscoe Estep	Cecil Sanders	
Leslie Gay	Clem Schroader	—31

Those who voted in the negative were—

Everett J. Bach	Wm. P. Friedlander	Robert H. Moore
John Rhea Banton	Henry C. Hale	Walter R. Moorman
Owen Billington	Eugene B. Hancock	Fred H. Morgan
Wm. W. Blanton	William K. Henry	Earl F. Murphy
Edw. T. Breathitt	E. R. Hilton	Thomas J. Murphy
Mrs. Mary E. Burnete	William M. Horn	Ewin C. Neville
Alex H. Calvert	Paul S. Jonas	Bart N. Peak
Josh R. Cosby	William L. Jones	Louis T. Peniston
C. E. Dowell	Paul M. Lewis	Tipton Reed
James A. Dressman, Jr.	Mrs. J. T. Linton	Amos Runyon
Thomas R. Duncan	Harry K. Lowman	Dr. B. F. Shields
Harold Edwards	Shelby McCallum	William F. Threlkeld
William Engle	Russell L. Meadows	J. B. Veech
Herbert Fern	Tom Mobley	Wm. Thos. Wathen

L. M. Weathers	Hicks Wells	W. A.(Pete)Wickliffe
W. W. Webster	William B. Wells	Walker H. Wiseman

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Said motion was disagreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced, viz:

By Mr. Head.

H. B. No. 210. AN ACT relating to the payment of certain expenses of Commonwealth's attorneys, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each commonwealth's attorney of the State shall be paid out of the State Treasury, each month, the sum of $100.00, which sum is hereby declared to be the equivalent of the minimum sum that each commonwealth's attorney will expend each month, in the performance of his official duties, for postage, telephone service, supplies, stationery, and books and periodicals. The Commissioner of Finance shall, on the first of each month, draw his warrant on the Treasurer in favor of each commonwealth's attorney, for the sum above stated, and the same shall be paid out of the Revolving Fund created by section 2 of this Act. The sums so received shall be expended by each commonwealth's attorney in his discretion, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by such officer.

Section 2. To provide the revenue necessary to carry out the provisions of this Act, a tax of two dollars is hereby levied upon conviction in each criminal case carrying a fine where the fine is paid into the State Treasury. The funds raised by the aforesaid tax shall be paid into the State Treasury, and shall be deposited into a revolving fund which hereby is created and designated the Commonwealth's Attorneys' Expense Account,

and from which fund the appropriations hereunder shall be disbursed.

Section 3. In anticipation of the collection of the revenues herein provided for, and to enable the State Treasury to make timely payments under the provisions of this Act, the sum of sixty thousand dollars shall be advanced from the General Fund to the Commonwealth's Attorneys' Expense Account. Said sum shall be repaid to the General Fund at the close of the fiscal year 1952-53 and at the close of each fiscal year thereafter, from surpluses which shall have accumulated in the Commonwealth's Attorneys' Expense Account in excess of twenty-five thousand dollars. After said advancement has been paid in full, any surplus in excess of twenty-five thousand dollars which shall have accumulated to the Commonwealth's Attorneys' Expense Account at the close of any fiscal year shall be transferred to and become a part of the General Fund of the Commonwealth.

Section 4. WHEREAS, present economic conditions are such as to impose an unconscionable burden upon the Commonwealth's attorneys of the Commonwealth, and to create a threat to the expenditious and impartial administration of law enforcement, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

By Mr. Hilton, Banton and Runyon.

H. B. No. 211. AN ACT increasing the malt beverage tax and providing for the disposition of revenue.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of Section 243.720 of the Kentucky Revised Statutes is amended to read as follows:

There is levied upon the sale or distribution by sale or gift of malt beverages and excise tax of $3.00 on each barrel of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container of more or less than thirty-one gallons.

Section 2. All revenue accruing under the provision of subsection (3) of KRS 243.720 shall be deposited in the General Fund in the state treasury for general state purposes.

Said bill was ordered printed and referred.

By Mr. Wm. L. Jones, Hancock, Rouse, Sanders, Henry, Threlkeld, Kearby, Taylor, Baer, Maglinger, Horn, McCallum and Jonas.

H. B. No. 212. AN ACT relating to rabies control, livestock and dog protection.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purposes of this Act, the following terms shall have the following meanings:

(1) "Livestock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and confined and domesticated hares and rabbits.

(2) "Poultry" shall include all domesticated fowl and all game birds which are legally kept in captivity.

(3) "Persons" shall include state and local officers, employes, individuals, corporations, co-partnerships and associations.

(4) "Owner," when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises owned or occupied by him.

(5) "Kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom.

(6) "Police Officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county,

or district, whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State Police, game, fish and forest wardens, sheriffs, deputy sheriffs, constables, policemen and all other police or peace officers for any officer or employe of the Agriculture Department, and "Sheriff" shall include deputy sheriffs.

(7) "Agriculture Department" means the Department of Agriculture, Labor and Statistics.

(8) "Agriculture Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(9) "Health Department" means the Department of Health.

(10) "Health Commissioner" means the Commissioner of Health.

(11) "Committee" means the Joint Advisory Committee established pursuant to this Act and empowered by provisions of this Act, and the provisions of any subsequent acts, to coordinate the enforcement of this Act.

(12) "Livestock Fund" means the fund established pursuant to this Act and shall include all receipts received through the Agriculture Department under the terms of this Act and in addition thereto, any appropriations made by the terms of this Act and by the terms of any subsequent Acts.

(13) "License" shall mean the dog or kennel license established and issued pursuant to provisions of this Act.

(14) "Vaccination Certificate" shall mean the official certificate of antirabies vaccination established and issued pursuant to the provisions of this Act.

(15) "Vaccinate" shall mean the subcutaneous or intramuscular injection of antirabies vaccine in doses recommended by the International Committee on Rabies according to such standards as may be prescribed by the Health Commissioner.

(16) "Vaccine" shall mean the antirabies canine vaccine produced in a laboratory licensed by the United States to produce such vaccine.

(17) "Veterinarian" shall mean a practioner of veterinary medicine who is duly licensed in the Commonwealth of Kentucky or who is specifically exempt from license by the provisions of KRS 321.200 subsections (d) and (e).

Section 2. As soon as possible after July 1, 1952, and on or before July 1 of each year after 1952, the owner of any dog six months old or over shall have such dog vaccinated according to the provisions of this Act.

Section 3. On or before July 1, 1953, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the sheriff of the county in which he resides or to the Agriculture Department for a license for each such dog owned or kept by him. Such application shall be accompanied by a license fee of $1.50 for each dog. The sheriffs of the counties shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless and until the Agriculture Department shall determine, with the approval of the Governor, to issue all licenses directly; and for services rendered in collecting and paying over the same, such sheriffs shall be allowed to retain the sum of 25c for each license. The balance of the license fee collected shall be paid to the Agriculture Department on or before the 15th day of each next succeeding month and shall be paid into the State Treasury by the Agriculture Department and credited to the Livestock Fund.

Section 4. A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the Agriculture Department and shall be void on January 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the Agriculture Department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost, duplicates shall be issued.

Section 5. (1) The tag provided for in Section 4 of this Act shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(2) No license or tag issued for one dog shall be transferrable to another dog except as provided in Section 8 of this Act.

(3) Any dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 6. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and any owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 7. (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 3 of this Act, apply to the sheriff or the Agriculture Department for a kennel license entitling him to keep or operate the kennel. Such application shall be accompanied by a license fee of $10.00 for each license to keep ten dogs or less and twenty-five dollars for each license to keep more than ten dogs. Such kennel license fees shall be collected, paid to the Agriculture Department, converted into the State Treasury and credited to the Livestock Fund in the same manner as the regular dog license fees as provided in Section 3 of this Act.

(2) A kennel license shall be issued on a form prescribed and supplied by the Agriculture Department.

Section 8. (1) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the Agriculture Department equal to the number of dogs authorized to be kept in the kennel.

(2) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 9. (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside

the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this Section shall be considered as if never licensed.

Section 10. Each sheriff shall keep a record of all dog and kennel licenses issued and shall report to the Agriculture Department monthly his license sales on a form prescribed and supplied by the Agriculture Department. The record maintained shall be a public record.

Section 11. The county tax commissioner in each county shall annually, at the time of assessing real property, make diligent inquiry as to the number of dogs owned, harbored, or kept by a person. He shall make a complete report of his findings to the sheriff and the Agriculture Department on a form prescribed and supplied by the Agriculture Department on or before December 31 of each year.

Section 12. The Agriculture Commissioner charged with the enforcement of the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs. He may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Agriculture Department shall make and promulgate such rules and regulations for the enforcement of this Act as the Agriculture Commissioner may deem reasonable and necessary. The Agriculture Department may employ such personnel as may be necessary, and persons so employed shall have all of the powers of peace or police officers with respect to the enforcement of this Act and may enter upon the premises of any person for the purpose of investigation upon displaying a badge of identification to be furnished by the Agriculture Department.

Section 13. The Health Commissioner shall be charged with the enforcement of the provisions of this Act relating to the vaccination of dogs and the issuing of vaccination certificates. He may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Health Department may employ

such personnel as may be necessary for the effective enforcement of the provisions of this Act for which it is responsible. The Health Department shall make and promulgate such rules and regulations as the Health Commissioner may deem reasonable and necessary.

Section 14. To achieve the coordination essential to enforcement of this Act, the responsibility for advising the Agriculture Department and the Health Department, as well as conferring approval where provided for herein, is vested in a Joint Advisory Committee. The Committee shall be composed of the Agriculture Commissioner, or his designate, the Health Commissioner or his designate, and four members appointed by the Governor as follows: one from a list of three persons nominated by the Kentucky Veterinary Medical Association, one from a list of three persons nominated by the Kentucky Farm Bureau Federation, one from a list of three persons nominated by the Bluegrass State Sheep Association, one from a list of three persons nominated by the Kentucky Purebred Livestock Association. The appointed members shall serve for a term of four years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and such place as the chairman shall designate. Four members present at any meeting shall constitute a quorum, and upon the written request of any three members the chairman shall call a meeting of the committee at the time and place requested. Committee members not already employed by the state shall be compensated at the rate of $15.00 per day for committee services rendered and shall be reimbursed for any actual expense incurred in performing committee duties.

Section 15. (1) All costs and expenses incident to the enforcement of this Act incurred by the Agriculture Department shall be paid out of the Livestock Fund; provided, however, that the total amount so paid shall not exceed $170,000 in any fiscal year except upon approval of the committee.

(2) All costs and expenses incident to the enforcement of this Act incurred by the Health Department shall be paid out of the Livestock Fund; provided, however, that the total amount so

paid shall not exceed $30,000 in any fiscal year, except with approval of the committee.

Section 16. (1) There shall be held in each county of the state annually at such time and for such duration as the Health Department shall prescribe a dog vaccination clinic so that all dog owners may have a reasonable period of time during which to have their dogs vaccinated.

(2) Except as provided in subsection (3) and (4), the clinic in each county shall be conducted by veterinarians who practice veterinary medicine in the county where the clinic is held.

(3) In those counties where no veterinarian practices veterinary medicine, the Health Department shall obtain veterinarians from other counties of the state to conduct the clinic; but if none can be obtained, the Health Department shall designate veterinarians who are employed by the Commonwealth of Kentucky or the Bureau of Animal Industry of the United States Department of Agriculture to conduct the clinic. Veterinarians who are so employed and designated shall be furnished vaccine necessary to conduct the clinic paid for out of the Livestock Fund and the Health Department shall reimburse them for travel and other actual expenses incurred in conducting the clinic.

(4) If no veterinarians can be obtained according to the provisions of subsections (1), (2), and (3), the clinic may be conducted and vaccine administered by a person whom the Health Department has authorized, and properly instructed in the administration of antirabies vaccine.

Section 17. (1) In a county where there is a practicing veterinarian the vaccination of any dog at any time other than during the vaccination clinic provided for in Section 16 of this Act shall be a veterinarian.

(2) In a county where there is no practicing veterinarian the vaccination of any dog at any time other than during the vaccination clinic provided for in Section 16 of this Act shall by a person whom the Health Department has authorized and properly instructed in the administration of antirabies vaccine.

Section 18. (1) For the vaccination of each dog pursuant to the provisions of subsection (1) of section 16, the owner thereof shall pay to the veterinarian or authorized person performing this service a fee as follows:

(a) For vaccination at a vaccination clinic the sum of $1.00; provided, however, that after one year from the effective date of this Act, the Health Department, with approval of the committee, may adjust this fee to an amount in line with changes of cost of the service performed;

(b) For vaccination other than at a vaccination clinic such amount as the veterinarian or authorized person performing the vaccination usually charges for such service.

(2) All fees for vaccination collected according to the provisions of Section 16, subsections (3) and (4), of this Act by veterinarians or authorized persons employed by the Commonwealth of Kentucky or the United States shall be paid by them to the Commissioner of Agriculture and credited to the Livestock Fund.

Section 19. The veterinarian or other authorized person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the Health Department. The vaccination certificate shall be prepared and issued in duplicate; one copy to be retained and filed by the issuing veterinarian or authorized person, one copy to be retained by the owner of the dog vaccinated. No vaccination certificate shall be issued or be valid for more than one year unless and until the Health Department authorizes the use of a new vaccine which may be developed and which demonstrates its ability to confer longer immunity.

Section 20. When the incidence of rabies in dogs in any county or designated area of this state decreases sufficiently to warrant it, the Health Department, with approval of the committee, may declare the county or area free from rabies in dogs. When such a declaration has been made, the Health Department shall notify the sheriff or sheriffs concerned in writing, and, after publicizing the declaration by regulations which give adequate notice to all dog owners, may suspend the provisions of

this Act which require that all dogs subject to license shall be vaccinated.

Section 21. (1) Any person may bring, or cause to be brought into the state, for a period of thirty days, one or more dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the State one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the state of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

Section 22. (1) It shall be the duty of every police officer to seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dog, and unaccompanied by the owner or keeper. Any police officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such police officer is in any immediate pursuit of any such dog. The police officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after ten days from the giving of such notice, the dog has not been claimed, the police officer shall dispose of such dog by sale or by destruction in some humane manner. No dog

so caught and detained shall be sold for the purpose of vivisection. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the Agriculture Commissioner and credited to the Livestock Fund.

(2) It shall be the duty of every police officer to destroy any dog which does not bear a proper license tag, which is found running at large.

Section 23. An officer shall be paid the sum of $2.00 for destroying and properly disposing of the carcass of each unlicensed dog by cremation, burial, or other approved sanitary method. All expenses incurred under this or the preceding section and not otherwise provided for, shall be paid by the Agriculture Commissioner from the Livestock fund.

Section 24. (1) It shall be unlawful for any police officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the Agriculture Commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 25. (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act. There shall be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature of such killing.

(3) Subsection (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any

one for such person, may make a complaint before a Justice of the Peace, or Judge of any Police or Quarterly Court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the same laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person shall fail to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the Court shall find the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the judge or justice of the peace and the police officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the cost upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog, after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any police officer without liability for damages for such killing.

Section 26. (1) All dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 25 of this Act, it is unlawful for any person, except a police officer, to destroy, injure, or poison, to attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog-button or any poison of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs.

Section 27. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 28. (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog: (a) confined within an inclosure from which it cannot escape, or (b) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or (c) under the reasonable control of some person or when engaged in lawful hunting accompanied by an owner or handler.

(2) Any police officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler.

Section 29. (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, shall be liable to the owner of such livestock or poultry, in a civil action, for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly authorized agent of the Agriculture Department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how such damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the Agriculture Department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of dam-

age sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at five cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 30. (1) Upon receipt by the Agriculture Department of the appraisal report, the Agriculture Commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceedings, to the Department of Finance which draws a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The state shall succeed to all rights and interests of the owner of livestock or poultry which has been killed or injured by dogs to the extent of any payment made by the State out of the Livestock Fund.

Section 31. (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the state for any livestock or poultry, injured by a dog, such payment shall not exceed one hundred dollars for each horse, or mule; one hundred and fifty dollars for each head of registered cattle; one hundred twenty-five dollars for each head of unregistered cattle; twenty-five dollars for each head of unregistered swine, sheep or goats; fifty dollars for each head of registered swine, sheep or goats; three dollars for each full grown goose; five dollars for each full grown turkey; and one dollar for each head of other poultry, or domesticated hare or rabbit. All appraisals under this Act shall be the actual value of the livestock, including poultry killed or injured.

Section 32. Owners of licensed dogs which are killed by any police officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owner of livestock or poultry killed or injured by dogs are recompensed. The proceed-

ings for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by Sections 29 and 30 of this Act except that no claim shall exceed one hundred dollars.

The state shall recover the amount paid to the owner of the dog from the officer responsible for the unjustified killing.

Section 33. (1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have accrued under the provisions of Chapter 258 of the Kentucky Revised Statutes, and any such claims which may accrue prior to July 1, 1952 shall not abate by reason of the repeal of such Act, but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available fund of the proper county; and for such purposes the provisions of said Act are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1953, shall be paid from the Livestock Fund to the extent of available funds as determined by the committee and in the order to their presentation; provided, however, that no such claims presented after December 31, 1954, shall be so paid.

Section 34. (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown or if a written complaint is filed with the Commissioner of Agriculture by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the Agriculture Department, the Agriculture Commissioner may notify the owner or keeper of such dog to immediately destroy the same; whereupon it shall be unlawful and a violation of this Act for such owner or keeper to permit or cause such dog, while alive, to leave or be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any police officer, upon notice from the Agriculture Department, shall destroy such dog wherever found. For such service he shall

be entitled to a fee of one dollar for each dog so destroyed, to be paid out of the Livestock Fund upon presentation to the Agriculture Department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 35. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 36. (1) When the inhabitants of any city, or county, or of any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the Agriculture Commissioner, signed by twenty or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the Agriculture Department may, through its authorized agents, have an investigation made of the fact alleged therein, and if convinced that conditions in such city, county or such designated area, demand such stringent measures, may establish a dog control quarantine therein.

(2) When such a quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby, and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or a handler.

(4) Any police officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 37. Notwithstanding any of the terms or provisions of this Act, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act except as to such claims arising after June 30, 1953, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to, or damage of livestock, poultry or licensed dogs must happen or occur after June 30, 1953.

Section 38. Nothing in this Act shall be construed to prohibit or to limit the right of any municipality to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the terms and provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the State Board of Health, or of any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations made in accordance with the provisions of any local or state health law.

Section 39. (1) Any person violating or failing or refusing to comply with any of the provisions of this Act shall, upon conviction, be fined not less than five dollars nor more than one hundred dollars or imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under this Act shall, after costs and commissions have been deducted, be paid to the Agriculture Department to be converted to the State Treasury and credited to the Livestock Fund.

Section 40. Except as provided in Section 33 of this Act, Chapter 258 of the Kentucky Revised Statutes hereby is repealed in its entirety.

Section 41. In addition to the license fees, fines and other revenues provided by this Act, there hereby is appropriated to the Agriculture Department for the account of the Livestock

Fund for the administration and enforcement of this Act, the sum of $30,000 for the fiscal year 1952-53.

Section 42. The Livestock Fund shall constitute a revolving fund and any balance remaining in said fund at the end of any fiscal year shall be carried over the next succeeding year and no part thereof shall revert to the General Fund, except that on the first day of January, 1955, and on the first day of January of any year thereafter any unencumbered sum in excess of $200,000 standing to the credit of the Livestock Fund shall revert to the General Fund.

Said bill was ordered printed and referred.

By Mr. Threlkeld, Banton, Neville and Kearby.

H. B. No. 213. AN ACT relating to an excise tax on pari-mutuel betting.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.510 of the Kentucky Revised Statutes relating to pari-mutuel betting is hereby amended and re-enacted so that as so amended and re-enacted same shall read as follows:

Section 1. An excise tax is imposed on every person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutual or other similar system. The tax shall be an amount equal to five percent of the total amount of all money deposited in pari-mutuel pools or similar pools (including any pool, such as a daily double pool, even though tickets sold for such a pool are not vended by a mechanical or electrical device nor the totals of such a pool computed and determined by a totalizator.)

Section 2. All revenue accruing under the provisions of KRS 138.510 shall be deposited in the General Fund in the State Treasury for general state purposes.

Said bill was ordered printed and referred.

By Mrs. Burnett and Mr. Weintraub.

H. B. No. 214. AN ACT relating to public works in cities other than the first class, repealing subsection (4) of section 94.316 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (4) of section 94.316 of the Kentucky Revised Statutes is repealed.

Said bill was ordered printed and referred.

By Mr. Blanton.

H. B. No. 215. AN ACT relating to the Statute of Frauds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 371.010 of the Kentucky Revised Statutes is amended to read as follows:

No action shall be brought to charge any person:

(1) For any representation or assurance concerning the character, conduct, credit, ability, trade or dealings of another, made with intent that such other may obtain thereby credit, money or goods:

(2) Upon any promise to pay a debt contracted during infancy, or any ratification of a contract or promise made during infancy;

(3) Upon any promise of a personal representative as such to answer any liability of his decedent out of his own estate;

(4) Upon any promise to answer for the debt, default or misdoing of another;

(5) Upon any agreement made in consideration of marriage, except mutual promises to marry;

(6) Upon any contract for the sale of real estate, or any lease thereof for longer than one year: Provided, however, that

where there has been a delivery and assumption of actual possession of the real estate in reliance upon a parol agreement sufficient to constitute substantial performance, the terms of this statute not be applicable.

(7) Upon any agreement that is not to be performed within one year from the making thereof; or

(8) Upon any promise, agreement, or contract for any commission or compensation for the sale or lease of any real estate or for assisting another in the sale of lease of any real estate; unless the promise, contract, agreement, representation, asssurance or ratification, or some memorandum or note thereof, be in writing and signed by the party to be charged therewith, or by his authorized agent. The consideration need not be expressed in the writing, but it may be proved when necessary or disapproved by parol or other evidence.

Said bill was ordered printed and referred.

By Mrs. Stovall.

H. B. No. 216. AN ACT relating to alleged mental incompetents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 202.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) All persons named in the petition, including the defendant, if of legal age, shall be notified of the proceeding by a summons issued requiring the person having custody or residing with the defendant, to appear with the defendant at a time and place stated in the summons, not less than three days after service. The parents of the defendant, if living, if their residence be known to the petitioner, or the legal guardian, if one there be, and his residence is known to the petitioner, or if there be neither parent nor guardian whose residence is known to the petitioner, then some near relative, if his residence is known to the petitioner, shall also be notified of the proceedings. If a person summoned as provided in this section fails

without reasonable cause to appear and abide by the order of the court, he may be proceeded against for contempt of court.

(2) If the petition alleges that the defendant is of violent character and is dangerous, a warrant may be issued for his arrest. If any such person is arrested on such warrant, he shall be taken immediately to any municipal, county or state hospital or mental institution and shall be examined by one or more psychiatrists attached to such institution. If the person is deemed of violent character and confinement is recommended by the examining psychiatrist, such person shall be confined in an appropriate state, municipal or state hospital or mental institution rather than in the county jail, to await further legal action as further prescribed in this chapter.

Said bill was ordered printed and referred.

By Dr. B. F. Shields, Mr. Withers, Britton and Moorman.

H. B. No. 217. AN ACT relating to minors playing billiards or pool.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 436.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person owning, managing, operating or having control of a billiard or pool table who permits, or whose employe or person whom he leaves in charge of such table permits, for compensation or reward, without the written permission of the parent, guardian or other person having the care, custody or control of the minor, to play any game on the table whether accompanied by betting or not, shall be fined one hundred dollars and shall forfeit the right and privilege of again keeping a table.

(2) The permit required by subsection (1) of this section shall be made under oath. All permits shall be filed alphabetically by the person owning or operating the billiard or pool table and shall be subject to inspection by any peace officer.

Said bill was ordered printed and referred.

By Mr. Adams,, Britton, Early, Earl F. Murphy and Runyon.

H. B. No. 218. AN ACT relating to the Teachers' Retirement System.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

(3) Effective July 1, 1952, and including living retired members and members who retire subsequently, no retirement allowance shall be less than seven hundred and twenty dollars and not less than twenty-four dollars per service credit year at the time of retirement, but such total minimum allowance shall not be more than seven hundred and twenty dollars per year. Any retirement allowance which has been or will be computed to be less than this minimum shall be increased to said minimum.

Section 2. Section 161.640 of the Kentucky Revised Statutes is amended to read as follows:

Retirement annuities shall be paid monthly. The first payment to an annuitant shall be made at the payment date at the end of one full payment period after his retirement and shall consist of one regular monthly payment.

Section 3. This Act shall become effective on July 1, 1952.

Said bill was ordered printed and referred.

By Mr. Meadows and Earl F. Murphy.

H. B. No. 219. AN ACT to regulate athletic contests in high schools of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That no high school superintendent, principal or coach of athletics, or any person acting for or on behalf of any high school shall schedule or permit his school or team to

participate in any athletic contest on any day or night of the week other than on Friday or Saturday, or on any day preceding any holiday which may be observed by the school, or during vacation period when schools are not in progress, except that nothing in this Act shall prohibit any high school basketball team from participating and playing in the State High School Basketball Tournament, held one week each year, even though such games are scheduled and played on days of the week other than Friday and Saturday.

Section 2. Any person violating this Act shall, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars.

Section 3. This Act shall become effective September 1, 1953.

Said bill was ordered printed and referred.

By Mr. Withers, Moorman and Lewis.

H. B. No. 220. AN ACT providing for the consolidation of the offices of jailer and sheriff.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 71.110 of the Kentucky Revised Statutes is amended to read as follows:

The offices of sheriff and jailer in each county in the Commonwealth shall be consolidated, but the office of sheriff shall be retained; and the sheriff hereafter shall perform the duties of jailer.

Section 2. This Act shall become effective January 4, 1954.

Said bill was ordered printed and referred.

By Mr. Heyburn.

H. B. No. 221. AN ACT relating to water districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 74.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission may include all or any part of an incorporated city in any water district, provided the governing body of such city by resolution or ordinance gives its consent.

(2) Water districts may contract with any city for the purpose of furnishing water to the residents of the city or to obtain water for the use of the district.

Said bill was ordered printed and referred.

By Mr. Lewis.

H. B. No. 222. AN ACT to Alimony and Divorce Actions, amending and reenacting section 423 of Carrolls Code of Civil Practice.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 423 of Carroll's Code of Civil Practice is re-enacted and amended to read as follows:

Section 423. The plaintiff, to obtain a divorce, must allege and prove, in addition to a legal cause of divorce:

(1) A residence in this state for one year next before commencement of the action. Provided, that any person who has been a resident of any United States Army Post, Military Reservation, or Fort within the State of Kentucky for one year, or a resident of this State and resided on such United States Army Post, Military Reservation, or Fort together aggregating one year, before filing of the petition may bring and maintain an action for divorce in any county adjacent to said army post or military reservation.

(2) That the cause of divorce occurred or existed in this State, or, if out of this State, either that it was a legal cause of divorce in the State where it occurred or existed or under the

provisions of Section 403.020 of the Kentucky Revised Statutes and any amendments thereto, or that the plaintiff's residence was then in this State, or that said cause for divorce occurred or existed on any U. S. Army Post, Military Reservation, or Fort within the State of Kentucky.

(3) That the cause of divorce occurred or existed within five years next before the commencement of the action.

Said bill was ordered printed and referred.

By Mr. Bridgers.

H. Res. No. 22. A JOINT RESOLUTION authorizing Mrs. Catherine Berghaus to sue the Commonwealth of Kentucky for damages resulting from the death of her son.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Mrs. Catherine Berghaus of Louisville, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky in the Jefferson Circuit Court for damages resulting from the death of her son, Bernard J. Berghaus, who died while performing a public service in behalf of the Commonwealth.

Section 2. Such suit shall be for a sum not in excess of ten thousand dollars.

Section 3. The Attorney General may investigate the claim authorized herein and settle same before or after suit is filed if he deems it advisable. Any amount recovered in the suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals of Kentucky.

Said resolution was ordered printed and referred to the Committee on Claims.

By Mr. Lambert and Greene.

H. Res. No. 23. A RESOLUTION authorizing the payment of costs and attorneys' fees in the contest case of Frazier v. Greene.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the Legislative Fund the sum of $600 to the Honorable Joseph J. Leary, attorney for contestant; the sum of $300 to the Honorable Kenneth H. Tuggle, attorney for contestee; the sum of $300 to the Honorable Carlos Beaumont Pope, attorney for contestee; the sum of $85 to Charles M. Greene for depositions taken in connection with said contest; and the Commissioner of Finance is hereby directed to draw his warrants upon the State Treasurer in favor of the above mentioned parties for the amounts above specified.

Said resolution was ordered printed and referred to the Committee on Claims.

REPORT OF COMMITTEES

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 149. AN ACT to amend Section 247.250, 247.280, 247.330, 247.340, 247.350, 247.370 of the Kentucky Revised Statutes relating to county farm bureaus and a state federation of county farm bureaus.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

Mr. Walter R. Moorman, Chairman of the committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 143. AN ACT relating to the Department of Agriculture, labor and Statistics.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Walter R. Moorman, Chairman of the committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 150. AN ACT concerning the definition of "Filled Milk."

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Walter R. Moorman, Chairman of the committee on Agriculture to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 138. AN ACT concerning apiaries.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mrs. J. T. Linton, Chairman of the committee on Ky. Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mrs. J. T. Linton, Chairman of the committee on Ky. Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 164. AN ACT relating to places of entertainment.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl J. Ruh, chairman of the committee on Cities of Second Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 153. AN ACT relating to the establishment of a new city in Campbell County, Kentucky, to embrace certain existing cities and unincorporated territory adjacent thereto, and including provisions concerning an independent district to be embraced within such new city.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl J. Ruh, chairman of the committee on Cities of second class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 127. AN ACT concerning water-works in cities other than first class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl J. Ruh, chairman of the committee on Cities of the Second Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 119. AN ACT relating to salaries of mayors and commissioners.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William L. Jones, Chairman of the committee on State Fair, to which same had been previously referred, reported a bill of the following title, viz;

H. B. No. 148. AN ACT concerning promotion of agriculture and horticulture.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mrs. J. T. Linton, chairman of the committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 37. AN ACT relating to jury service.

With the expression of opinion that same should pass by way of committee substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. L. M. Weathers, chairman of the committee on Cities of the Fifth Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 15. AN ACT changing the classification of the City of Worthington, in Greenup County.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William L. Jones, Chairman of the committee on State Fair, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 106. AN ACT concerning judges of exhibits at the Kentucky State Fair.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read for the first time, and

So said bill was rejected.

Mrs. J. T. Linton, Chairman of the committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 111. AN ACT relating to gambling.

With the expression of opinion that same should not pass.

Mr. Ruh moved that H. B. No. 111 be given its first reading, the report of the Committee to the contrary notwithstanding.

Said motion was disagreed to.

Mr. Vance moved that the rules be suspended for the purpose of making a motion.

The yeas and nays being requested by Mr. Vance and Gay on said motion were taken in accordance with the Constitutional provision, as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Chas. M. Greene	J. F. Robinson
Thomas L. Britton	Henry C. Hale	Earl Rogers
Marvin A. Cornett	Henry R. Heyburn	Clem Schroader
Charles M. Crowe	Jennings Kearby	E. A. Spencer
R. L. Dunigan	James W. Lambert	E. H. (Ted) Stumbo
Jack Early	Ewin C. Neville	Marion Vance
Roscoe Estep	Bart N. Peak	Morris Weintraub
Leslie Gay	Tipton Reed	Charles W. Wirsch

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Those who voted in the negative were—

Dr. John Adkins, Jr.	Mrs. Mary E. Burnete	William M. Horn
Everett J. Bach	Alex H. Calvert	Paul M. Lewis
Sidney Baer	Josh R. Cosby	Mrs. J. T. Linton
John Rhea Banton	C. E. Dowell	Tom Mobley
Clarence J. Barnum	James A. Dressman, Jr.	Robert H. Moore
Owen Billington	Thomas R. Duncan	Walter R. Moorman
Wm. W. Blanton	William Engle	Fred H. Morgan
J. C. Bradley	Thomas D. Hewlett	Thomas J. Murphy
Edw. T. Breathitt	E. R. Hilton	Louis T. Peniston
Edward O. Bridgers	Chester J. Holsclaw	Hobart Rayburn

Joe Rouse	William F. Threlkeld	W. W. Webster
Carl J. Ruh	J. B. Veech	Hicks Wells
Cecil Sanders	Eulick (Mike) Walsh	William B. Wells
Gus F. Sheehan, Jr.	Wm. Thos. Wathen	Walker H. Wiseman
Mrs. Thelma Stovall	L. M. Weathers	Garrett L. Withers
Egbert V. Taylor		—46

Said motion was disagreed to.

So said bill was rejected.

CALENDAR

The House took up for consideration from the Calendar, House Bills and resolutions of the following titles, viz:

Mr. Lowman moved that the constitutional provision as to the second reading at length of said bills and resolutions be dispensed with, and said bills and resolutions be read for the second time by their title only.

Said motion was agreed to.

H. B. No. 152. AN ACT relating to the ad valorem tax system of the state, counties, cities and other taxing districts.

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030, (5), (6) and (7); KRS 341.090 (3); KRS 341.145; KRS 341.200; KRS 341.230; KRS 341.260; KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370 (4) and (5); KRS 341.380; KRS 341.390; KRS 341.420 (3); KRS 341.540; and KRS 341.990 (5).

H. B. No. 142. AN ACT relating to Descent and Distribution and Amending Section 391.080 of Kentucky Revised Statutes.

H. B. No. 140. AN ACT relating to Traffic Regulations and Equipment of Vehicles.

H. Res. No. 14. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest," and declaring an emergency.

H. Res. No. 13. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent

fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

S. B. No. 1. AN ACT relating to bribery of participants in professional or amateur games sports, contests and horse racing.

H. B. No. 63. AN ACT relating to actions for libel or slander amending section 411.050 of the Kentucky Revised Statutes.

H. B. No. 64. AN ACT relating to disclosure of sources of information published by newspapers, radio and television stations amending section 421.100 of the Kentucky Revised Statutes.

H. B. No. 8. AN ACT relating to schools.

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

H. B. No. 104. AN ACT relating to juries in police courts in cities of the second class.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 22. AN ACT relating to the revocation or suspension of alcoholic beverage licenses; amending Section 243.500 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.500 of the Kentucky Revised Statutes is amended to read as follows:

Any license issued under KRS 243.020 to 243.670 must be revoked or suspended for the following causes:

(1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) Violation of the provisions of KRS 243.670.

(4) If, within a period of two consecutive years, there shall have been two or more convictions of any licensee or of any of his clerks, servants, agents or employes for any violations of the terms and provisions of Chapter 241, 243 or 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employes shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.

(5) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by Federal or state regulations.

(7) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

Section 2. Whereas, the conducting of gambling operations in or upon premises licensed under the alcoholic beverage laws is of great detriment to the welfare and morals of the public, and promotes vice and crime, and authority to revoke the licenses for such causes is questionable under existing laws, an emergency

is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Calvert moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Marvin A. Cornett	William K. Henry
Dr. John Adkins, Jr.	Charles M. Crowe	Thomas D. Hewlett
Everett J. Bach	C. E. Dowell	Henry R. Heyburn
Sidney Baer	James A. Dressman, Jr.	E. R. Hilton
John Rhea Banton	Jack Early	Chester J. Holsclaw
Clarence J. Barnum	Harold Edwards	William M. Horn
Owen Billington	William Engle	Paul S. Jonas
Wm. W. Blanton	Roscoe Estep	William L. Jones
J. C. Bradley	Herbert Fern	Jennings Kearby
Edw. T. Breathitt	Wm. P. Friedlander	James W. Lambert
Edward O. Bridgers	Leslie Gay	Jesse H. Lawrence
Thomas L. Britton	Chas. M. Greene	Paul M. Lewis
Mrs. Mary E. Burnete	Henry C. Hale	Mrs. J. T. Linton
Alex H. Calvert	Eugene B. Hancock	Harry K. Lowman
Walter J. Chyle, Jr.	John Head	William Maglinger
Lewis W. Combest	Farmer Helton	Shelby McCallum

Russell L. Meadows	Earl Rogers	William F. Threlkeld
Tom Mobley	Joe Rouse	Marion Vance
Robert H. Moore	Carl J. Ruh	J. B. Veech
Walter R. Moorman	Amos Runyon	Wm. Thos. Wathen
Fred H. Morgan	Cecil Sanders	L. M. Weathers
Earl F. Murphy	Clem Schroader	W. W. Webster
Thomas J. Murphy	Gus F. Sheehan, Jr.	Morris Weintraub
Ewin C. Neville	Dr. B. F. Shields	Hicks Wells
Bart N. Peak	E. A. Spencer	William B. Wells
Louis T. Peniston	Mrs. Thelma Stovall	W.A.(Pete)Wickliffe
Hobart Rayburn	E. H. (Ted) Stumbo	Charles W. Wirsch
Tipton Reed	Egbert V. Taylor	Walker H. Wiseman
J. F. Robinson	Albert Thomason	Garrett L. Withers

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Those who voted in the negative were—
Josh R. Cosby

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 42. AN ACT relating to the reappraisal of property for ad valorem taxes in cities, counties and other taxing districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.670 of the Kentucky Revised Statutes is amended to read as follows:

Whenever a city or county by order of its legislative body petitions the department for a reappraisal of the properties

therein and the department after investigation determines that a reappraisal is necessary, the department shall, according to the comparative need therefor, provide personnel and other assistance to aid the city assesor or county tax commissioner in accomplishing this result. The Department of Revenue shall prescribe methods and specifications for the reappraisal of property. Personnel authorized to assist in making a city or county reappraisal under this section may be given the same authority as a deputy tax commissioner or deputy city assessor. Cities, counties and other taxing districts may make appropriations from their general funds to share expenses incurred for such purposes by the department or for the purpose of employing other assistance in conducting such reappraisal projects.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Dr. John Adkins, Jr.	Edward O. Bridgers	C. E. Dowell
Everett J. Bach	Mrs. Mary E. Burnete	James A. Dressman, Jr.
Sidney Baer	Walter J. Chyle, Jr.	Thomas R. Duncan
Clarence J. Barnum	Lewis W. Combest	Jack Early
Owen Billington	Marvin A. Cornett	Harold Edwards
J. C. Bradley	Josh R. Cosby	William Engle
Edw. T. Breathitt	Charles M. Crowe	Roscoe Estep

Herbert Fern	Shelby McCallum	Gus F. Sheehan, Jr.
Wm. P. Friedlander	G. Lee McClain	Dr. B. F. Shields
Chas. M. Greene	Russell L. Meadows	Mrs. Thelma Stovall
Henry C. Hale	Tom Mobley	Albert Thomason
Eugene B. Hancock	Robert H. Moore	William F. Threlkeld
Farmer Helton	Walter R. Moorman	Marion Vance
William K. Henry	Fred H. Morgan	J. B. Veech
Thomas D. Hewlett	Earl F. Murphy	Eulick (Mike) Walsh
Henry R. Heyburn	Thomas J. Murphy	Wm. Thos. Wathen
E. R. Hilton	Ewin C. Neville	W. W. Webster
Chester J. Holsclaw	Bart N. Peak	Hicks Wells
Jennings Kearby	Louis T. Peniston	William B. Wells
Jesse H. Lawrence	Tipton Reed	W.A.(Pete)Wickliffe
Paul M. Lewis	Joe Rouse	Charles W. Wirsch
Mrs. J. T. Linton	Carl J. Ruh	Walker H. Wiseman
Harry K. Lowman	Cecil Sanders	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 55. AN ACT concerning pay of jurors.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(2) When kept together over night in custody of the sheriff, petit jurors shall receive five dollars additional for each night they are kept together.

Mr. Moore moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Thomas R. Duncan	Robert H. Moore
Dr. John Adkins, Jr.	Jack Early	Walter R. Moorman
Everett J. Bach	Harold Edwards	Earl F. Murphy
Sidney Baer	William Engle	Thomas J. Murphy
John Rhea Banton	Roscoe Estep	Ewin C. Neville
Clarence J. Barnum	Wm. P. Friedlander	Bart N. Peak
Owen Billington	Chas. M. Greene	Louis T. Peniston
Wm. W. Blanton	Eugene B. Hancock	Tipton Reed
J. C. Bradley	Farmer Helton	Earl Rogers
Edw. T. Breathitt	William K. Henry	Joe Rouse
Edward O. Bridgers	Thomas D. Hewlett	Carl J. Ruh
Thomas L. Britton	Henry R. Heyburn	Cecil Sanders
Mrs. Mary E. Burnete	E. R. Hilton	Clem Schroader
Alex H. Calvert	Chester J. Holsclaw	Gus F. Sheehan, Jr.
Walter J. Chyle, Jr.	William M. Horn	Dr. B. F. Shields
Marvin A. Cornett	Jennings Kearby	E. A. Spencer
Josh R. Cosby	Paul M. Lewis	Mrs. Thelma Stovall
Charles M. Crowe	Mrs. J. T. Linton	Albert Thomason
C. E. Dowell	G. Lee McClain	William F. Threlkeld
James A. Dressman, Jr.	Russell L. Meadows	Marion Vance

J. B. Veech	W. W. Webster	W.A.(Pete)Wickliffe
Eulick (Mike) Walsh	Hicks Wells	Charles W. Wirsch
Wm. Thos. Wathen	William B. Wells	Walker H. Wiseman
L. M. Weathers		—70

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the consideration of H. Res. No. 8 be passed and that it retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 101. AN ACT relating to the trust and agency fund of the Metal Stamping Plant in the Department of Welfare.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding any other statutory provisions to the contrary, for the fourth quarter of the fiscal year of 1951, any sums of money in the trust and agency fund of the Metal Stamping Plant in the Department of Welfare in excess of the needs of the Metal Stamping Plant shall be available to the Department of Welfare to be used for such purposes and in such manner as funds in the trust and agency fund of the Penal Institutions are used.

SECTION 2.

In order that the funds concerned herein may be available on April 1, 1951, the beginning of the fourth quarter of the fiscal year, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	James A. Dressman, Jr.	William L. Jones
Dr. John Adkins, Jr.	Thomas R. Duncan	Jennings Kearby
Everett J. Bach	Jack Early	Jesse H. Lawrence
Sidney Baer	Harold Edwards	Paul M. Lewis
John Rhea Banton	William Engle	Mrs. J. T. Linton
Clarence J. Barnum	Roscoe Estep	Harry K. Lowman
Owen Billington	Herbert Fern	William Maglinger
Wm. W. Blanton	Wm. P. Friedlander	Russell L. Meadows
J. C. Bradley	Chas. M. Greene	Tom Mobley
Edw. T. Breathitt	Eugene B. Hancock	Robert H. Moore
Edward O. Bridgers	John Head	Walter R. Moorman
Thomas L. Britton	Farmer Helton	Earl F. Murphy
Mrs. Mary E. Burnete	William K. Henry	Thomas J. Murphy
Alex H. Calvert	Thomas D. Hewlett	Ewin C. Neville
Walter J. Chyle, Jr.	Henry R. Heyburn	Bart N. Peak
Lewis W. Combest	E. R. Hilton	Louis T. Peniston
Marvin A. Cornett	Ray Holbrook	Tipton Reed
Josh R. Cosby	Chester J. Holsclaw	J. F. Robinson
Charles M. Crowe	William M. Horn	Earl Rogers
C. E. Dowell	Paul S. Jonas	Joe Rouse

Carl J. Ruh	Albert Thomason	W. W. Webster
Cecil Sanders	William F. Threlkeld	Hicks Wells
Clem Schroader	Marion Vance	William B. Wells
Gus F. Sheehan, Jr.	J. B. Veech	Charles W. Wirsch
Dr. B. F. Shields	Eulick (Mike) Walsh	Walker H. Wiseman
E. A. Spencer	Wm. Thos. Wathen	Garrett L. Withers
Mrs. Thelma Stovall		—79

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 115. AN ACT permitting the creation of a county Police Force Merit System, providing for the establishment of a Merit Board and defining its powers and duties, and providing for the classification, qualification, examination, appointment, tenure, promotion, demotion, fine, suspension, discipline, immunities and removal of police personnel, prohibiting certain defined political activities, providing penalties therefor and repealing laws in conflict.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonmonwealth of Kentucky:

Section I

Definitions—As used in this Act, the following words and terms shall have the following meaning:

(a) Board—Shall mean the County Police Force Merit Board or Boards hereinafter created.

(b) Chief—Shall mean the Chiefs of the County Police forces affected by this Act.

(c) Asst. Chief—Shall mean the next in command to the Chiefs of the County Police Forces affected by this Act.

(d) Secretary—Shall mean the executive secretary and examiner employed by the County Police Force Merit Board or Boards hereinafter created.

(e) Officer—Shall mean any member of the County Police Forces affected by this Act excluding the Chiefs and Assistant Chiefs but including all commissioned or non-commissioned patrolmen, corporals, sergeants, lieutenants and captains.

(f) Employee—Shall mean all other employees of the County Police Forces affected by this Act.

Section II

(1) Any County of the Commonwealth of Kentucky may, by order of its Fiscal Court, duly made and entered of record, create a County Police Force Merit System, and for that purpose, establish a County Police Force Merit Board, whose duties it shall be to classify and examine applicants seeking employment as officers or employees of the Police Force of the said County, excluding the Chief and Assistant Chief, and in addition to promulgate rules and regulations governing the classification, qualification, examination, appointment, promotion, demotion, fine, suspension and other disciplinary action within the said County Police Force of all personnel of the County Police Force or Forces affected and covered by this Act, and in addition thereto, to hold such hearings, public and executive, and impose such penalties upon the personnel affected by this Act as is prescribed by subsequent provisions hereof.

(2) The County Judge, subject to the approval of the Fiscal Court of the County, shall appoint four persons, who shall constitute the County Police Force Merit Board of such County, who shall serve without compensation, and the County Judge shall be a member ex-officio of the said Board, but shall only vote in case of a tie vote on any matter before the Board for determination. Each Board appointee shall be at least thirty (30) years of age, a resident of the County affected, and not related by either blood or marriage to either the County Judge or any member of the Fiscal Court of the said County. The first members of any said Board shall be appointed within the thirty (30) day period following the effective date of an order duly

made and entered by a Fiscal Court creating a County Police Force Merit System and Merit Board, and one member of the Board shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for four years except that appointments to fill vacancies within the respective terms shall be made only for the unexpired period of the respective terms. Any Board member may be removed by resolution of the Fiscal Court of the County for neglect, incapacity, misfeasance or malfeasance on the part of said Board members. No appointed Board member shall hold any other public office elective or appointive during his term as a member of the County Police Force Merit Board, and shall not receive any money, gift of consideration of any type from any person directly or indirectly for or on account of any recommendation, proposal or suggestion bearing upon the business of the Board or the County Police Force. Not more than two members shall be adherents of the same political party.

(3) The Board shall meet at least once each calendar month and minutes of the business of each meeting shall be kept.

(4) The Board shall employ a Secretary who shall also conduct all examinations, prepare eligible lists and keep all records and minutes of the Board's business and perform such other duties in connection with the business of the Board as may be required by the Board. The Secretary may be employed on either a part-time or full-time basis and said Secretary shall receive such compensation as may be recommended by the Board and approved by the Fiscal Court. All orders and minutes of the Board shall be signed by the Chairman thereof, who shall be elected by the Board members and the minutes shall be countersigned by the Secretary.

(5) Upon appointment and qualifications of the members of the County Police Force Merit Board, they shall meet within the 30 days following the creation of the Board and elect their Chairman and Vice Chairman and adopt such rules and regulations and by-laws as they see fit for the proper conduct of their offices. In all matters requiring a vote, a majority of the Board members present and voting shall determine any question, pro-

vided that at least three Board members be present to constitute a quorum.

(6) Each appointee, before entering upon the discharge of his duties, shall qualify by subscribing, taking and filing an oath of office as required by law.

(7) Fiscal Courts affected hereby shall make appropriations of money for the reasonable and necessary expenses of the said Board.

Section III

(1) All Police Officers of whatever rank and title except the Chief and Assistant Chief of County Police, and all employees of every County Police Force affected by this Act are covered by the provisions hereof. All such covered officers and employees of every County Police Force on active duty or service as of the effective date (of a duly made and entered order of the Fiscal Court of the said County creating a County Police Merit System and Board), shall be deemed fit and qualified to continue their respective duties of employment on or for their respective County Police Force without examination or further qualification, except and unless the Chief of Police of any County Police Force shall within sixty (60) days after the establishment of the County Police Force Merit Board certify to the said Board that any officer or employee is physically unfit to continue his or her duties.

(2) All personnel covered by the provisions of this Act shall be deemed to be permanent employees subject to their ability to satisfactorily perform their respective duties and further subject to their good behavior.

(3) Wthin ten (10) days after the creation of any County Police Force Merit Board under this Act, the Chief of County Police shall certify to the Board the names, rank, rate of pay, the seniority of every officer and employee on the Police Force as of the effective date of the Fiscal Court order creating the County Police Force Merit System and Board.

(4) No officer or employee covered by the provisions of this Act shall directly or indirectly give, solicit or receive or be in any manner whatever concerned in the giving, receiving,

soliciting or publicizing any assessment, gift, subscription or contribution to or for any political party or candidate for public office.

(5) No individual, corporation, association or group of individuals shall orally or by letter or otherwise solicit or be in any manner concerned in soliciting or collecting any assessment, subscription, gift or contribution of any character for any political party or any candidate for public office from any officer or employee covered by any of the provisions of this Act. No person shall use or promise to use his personal influence or official authority to secure any appointment or promotion to any position of employment covered by the provisions of this Act, as a reward or return for personal or partisan political service. No candidate applying for original appointment or promotion to any position of employment covered by this Act shall sign or execute or promise to sign or execute a resignation dated or undated in advance of such appointment or promotion. No officer or employee covered by the provisions of this Act shall be suspended, laid off, demoted, promoted, fined, disciplined or threatened, or in any way changed in rank, duty or compensation for withholding or neglecting to pay or make any contribution of any sort, or character, either in money, goods or services or anything of value for any political purpose whatsoever.

No person shall take part in preparing any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any officer or employee covered hereby and no person shall knowingly send or present in any manner any such assessment, subscription, request for gift or contribution or request payment of any of the foregoing to or from any officer or employee covered by this Act.

No officer or employee covered by this Act shall act as an officer of any political organization, be a member thereof or take an active part in any political campaign or serve as a member of any committee of any such political organization or circulate or seek signatures to any petition or official paper provided for by any primary or general election laws, or act as a worker for any political party, or act as a worker at the polls in favor of or

opposed to any candidate for election or nomination to any public office whether Federal, State, County or Municipal.

No examination question in any examination held by the Board shall relate to any political or religious opinion, belief, affiliation or service and no appointment, promotion, demotion, suspension, fine or removal shall be brought about, effected, affected or influenced by such opinions, beliefs, affiliations or services.

No officer or employee covered by this Act shall foster, promote, or be concerned with any actions involving political or religious controversies or prejudices.

Nothing contained in this Act shall be so construed as to abridge the rights of any officer or employee with respect to his or her personal opinions or beliefs or right to vote.

Section IV

(1) Every County Police Force Merit System Board created hereunder shall make, promulgate, and when necessary, amend rules for the qualifications, original appointment, promotion, demotion, transfer, layoff, reinstatement, suspension, fine and removal of the officers and employees covered by this Act. The Board shall publish its rules and any amendments thereto by supplying a certified copy thereof to the County Judge, the Fiscal Court and the Chief of Police of the County, and by posting a copy thereof conspicuously in the office or place where the headquarters of the County Police is maintained. Said rules and amendments thereto shall be published in the manner prescribed within three (3) days after the adoption thereof.

The rules in addition to other matters shall specifically provide for and cover the following:

1. (a) Physical, mental, educational, citizenship and age requirements for new employees and officers.

(b) Physical, mental, educational, citizenship and age requirement for new employees and officers and seniority requirements for promotion from lower to higher rank or classification.

2. (a) Open competitive written, oral and physical tests to determine the relative fitness of all candidates and examinations for original appointment and for promotion.

b. Public notices of examinations provided in 2 (a).

3. Temporary appointments in case of emergency.

4. Organization and meetings of the Board.

5. Procedure and conduct of public hearings.

Any officer or employee may be removed, suspended, laid off, reduced in grade, or fined by the Chief of County Police for any cause which will promote the efficiency of the service, but before any such action is taken by the Chief of Police against any officer of employee, the Chief of Police shall furnish the officer or employee concerned with a written statement of the reasons why the described action is taken. The officer or employee may be reduced, removed, suspended, laid off or fined from the date when such written statement of reasons is served upon him. Each officer or employee removed, suspended, laid off, reduced in grade, or fined, shall be allowed a period of ten (10) days within which he may file written answer to the charges and reasons which caused his suspension, removal, reduction or fine, which shall be made a part of the official records of the Police Department. No trial or examination of witnesses shall be required in any such case except in the discretion of the Chief of Police. The Chief of Police shall likewise furnish a copy of the written charges and reasons for his action to the County Police Force Merit Board.

(2) The County Police Force Merit Board shall also have the right to remove, reduce, suspend, lay off, fine or discipline any officer or employee covered by the provisions hereof on written charges of misconduct preferred on its own initiative or the initiative of any citizen, but only after reasonable notice to the accused and after a complete public hearing at which the officer or employee accused shall have the right to be present and represented by counsel and confronted by all of the witnesses preferring the charges against him. Every such employee or officer shall be given the right within ten (10) days after charges are initiated by the Board or a private citizen and before

the public hearing prescribed herein, to file written answer to the charges preferred against him.

After full public hearing by the County Police Force Merit Board, the Board may retire in Executive session to discuss the evidence introduced at the hearing and to make its determination and conclusion. In no case shall the Board in Executive session receive any further evidence or communication from any source whatsoever prior to reaching its determination and conclusion.

In all cases provided for in this section, the action of the Chief of Police or of the County Police Force Merit Board shall be final except in the following cases.

Every action in the nature of a dismissal, suspension, reduction or fine made by the Chief of County Police, shall be subject to review by the Board at the request of any officer or employee affected by this Act, and in any case where the Board, after investigation, is of the opinion that the disciplinary action taken by the Chief of Police was brought about or influenced by reason of political activity or religious belief, or any improper or unjustified prejudice, then the Board shall give notice and hold a public hearing with respect thereto, and in any case where, after such public hearing, a majority of the members of the Board are of the opinion that the action of the Chief of Police is unjustified or unsupported by proper evidence, then the order of the Chief of Police may be set aside and revoked by the Board and the Board may impose such penalty or punishment as it may deem necessary and appropriate. The Board may, after investigation, increase any disciplinary action taken by the Chief of Police where such additional action is justified in the opinion of a majority of the members of the Board.

(3) The County Police Force Merit Board shall have the power to issue subpoenas attested in the name of its chairman, to compel the attendance of witnesses upon any proceedings authorized by this Act or by the rules or regulations promulgated by the Board.

Section V

(1) Any person who shall knowingly violate any of the provisions of this Act shall be guilty of a misdemeanor and shall

upon conviction be punished by a fine of not less than $50.00 or not more than $1,000.00 or by imprisonment for a term not to exceed six months or by both such fine and imprisonment and if such person be an applicant for any employment covered hereby, he shall be excluded from such examination for a period of three years thereafter and if the name of such person be on any eligible list of the said Board, his name shall be removed therefrom and if he be an officer or employee of the County, he shall be removed forthwith therefrom and be ineligible for any such appointment to public office or employment for a period of three years thereafter.

(2) The provisions of this Act are severable. If any provision, section or paragraph hereof, should be held unconstitutional or invalid, such decision regarding the provision, section or paragraph shall not affect or impair the remainder of the Act. It is hereby declared to be the legislative intent to enact each provision, paragraph and section hereof separately and independently of all other sections, provisions and paragraphs.

(3 All laws and parts of laws in conflict herewith are hereby repealed.

(4) In order that the provisions of this Act may be forthwith accepted by any Fiscal Court of any County of the State and in order that Counties desirous of accepting the provisions of this Act, may speedily reorganize their Police Departments to comply with the provisions hereof, an emergency is hereby declared to exist and this Act will become effective upon its passage and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Chas. M. Greene	Thomas J. Murphy
Everett J. Bach	Eugene B. Hancock	Ewin C. Neville
Sidney Baer	John Head	Bart N. Peak
John Rhea Banton	Farmer Helton	Louis T. Peniston
Clarence J. Barnum	William K. Henry	Tipton Reed
Owen Billington	Thomas D. Hewlett	Earl Rogers
J. C. Bradley	Henry R. Heyburn	Carl J. Ruh
Edw. T. Breathitt	E. R. Hilton	Cecil Sanders
Edward O. Bridgers	Ray Holbrook	Clem Schroader
Mrs. Mary E. Burnete	Chester J. Holsclaw	Dr. B. F. Shields
Alex H. Calvert	William M. Horn	E. A. Spencer
Walter J. Chyle, Jr.	William L. Jones	Mrs. Thelma Stovall
Marvin A. Cornett	Jennings Kearby	Albert Thomason
Josh R. Cosby	Jesse H. Lawrence	J. B. Veech
Charles M. Crowe	Paul M. Lewis	Eulick (Mike) Walsh
C. E. Dowell	Mrs. J. T. Linton	Wm. Thos. Wathen
James A. Dressman, Jr.	William Maglinger	W. W. Webster
Thomas R. Duncan	G. Lee McClain	Morris Weintraub
Jack Early	Russell L. Meadows	Hicks Wells
Harold Edwards	Tom Mobley	William B. Wells
William Engle	Robert H. Moore	Charles W. Wirsch
Roscoe Estep	Walter R. Moorman	Walker H. Wiseman
Herbert Fern	Earl F. Murphy	Garrett L. Withers
Wm. P. Friedlander		

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Those who voted in the negative were—

Gus F. Sheehan, Jr.

—1

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 26. AN ACT relating to credits on qualifying examinations for public office or employment, for physically handicapped persons.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any physically handicapped person who, upon taking a qualifying examination provided for by law for any position of public employment or office, achieves a mark or grade not less than the minimum prescribed for passing the examination, shall have his mark or grade increased by five percent, except that in any case where a percentage credit on an examination is allowed by law to war veterans, the percentage credit allowed to a handicapped person on such examination shall be three-fifths of the credit allowed to war veterans. A handicapped person who is also a war veteran shall be entitled only to the war veteran credit, where the law provides for such a credit.

Section 2. As used in this Act, "physically handicapped person" means any person who is suffering from a physical disability of such character and extent as to constitute a ten percent disability under the standards established by the United States Veterans' Administration for war veterans, and for this purpose the standards so established are hereby recognized and adopted as standards for the administration of this Act. The agency which is responsible for conducting any qualifying examination for positions in public employment or office shall determine, according to such standards, whether any applicant

for examination constitutes a physically handicapped person, and the decision of such agency shall be final.

Mr. Ruh moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Ruh moved that the Constitutional provision as to the reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Charles M. Crowe	E. R. Hilton
Dr. John Adkins, Jr.	C. E. Dowell	Ray Holbrook
Everett J. Bach	James A. Dressman, Jr.	Chester J. Holsclaw
Sidney Baer	Thomas R. Duncan	William M. Horn
Clarence J. Barnum	Jack Early	Paul S. Jonas
Owen Billington	Harold Edwards	William L. Jones
J. C. Bradley	William Engle	Jennings Kearby
Edw. T. Breathitt	Roscoe Estep	James W. Lambert
Edward O. Bridgers	Herbert Fern	Jesse H. Lawrence
Thomas L. Britton	Wm. P. Friedlander	Paul M. Lewis
Mrs. Mary E. Burnete	Leslie Gay	Mrs. J. T. Linton
Alex H. Calvert	Eugene B. Hancock	Harry K. Lowman
Walter J. Chyle, Jr.	Farmer Helton	William Maglinger
Lewis W. Combest	William K. Henry	Shelby McCallum
Marvin A. Cornett	Thomas D. Hewlett	Russell L. Meadows
Josh R. Cosby	Henry R. Heyburn	Tom Mobley

Robert H. Moore	Cecil Sanders	Wm. Thos. Wathen
Walter R. Moorman	Clem Schroader	L. M. Weathers
Fred H. Morgan	Gus F. Sheehan, Jr.	W. W. Webster
Earl F. Murphy	Dr. B. F. Shields	Morris Weintraub
Thomas J. Murphy	Mrs. Thelma Stovall	Hicks Wells
Bart N. Peak	Albert Thomason	William B. Wells
Louis T. Peniston	Marion Vance	Charles W. Wirsch
Earl Rogers	J. B. Veech	Walker H. Wiseman
Joe Rouse	Eulick (Mike) Walsh	Garrett L. Withers
Carl J. Ruh		

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Resolved that the title thereof be as aforesaid.

Mr. Ruh moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 96. AN ACT relating to election precincts, amending section 116.180 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 116.180 of the Kentucky Revised Statutes is amended to read as follows:

116.180 *Election precincts; number of voters in.* (1) Each county shall be divided into election precincts. The county court shall make the division as often as necessary to comply with the provisions of this section, and shall establish the name or number and the boundaries of the precincts. Each precinct shall contain, as nearly as practicable, an equal number of voters, based on the number of registered voters in the precinct, not to exceed three hundred and fifty voters to a precinct. This section is not intended to affect KRS 125.180, relating to precincts wherein voting machines are used or may be used.

(2) If the county judge fails to perform his duty herein required, then any citizen and voter of the county may apply to the circuit court of the county for a summary mandatory order requiring him to perform his duty. Appeals may be taken to the court of appeals by either party.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Marvin A. Cornett	Farmer Helton
Everett J. Bach	Josh R. Cosby	William K. Henry
Sidney Baer	C. E. Dowell	Thomas D. Hewlett
John Rhea Banton	James A. Dressman, Jr.	Henry R. Heyburn
Clarence J. Barnum	Thomas R. Duncan	E. R. Hilton
Owen Billington	Jack Early	Ray Holbrook
J. C. Bradley	Harold Edwards	Chester J. Holsclaw
Edw. T. Breathitt	William Engle	William M. Horn
Edward O. Bridgers	Roscoe Estep	Paul S. Jonas
Mrs. Mary E. Burnete	Herbert Fern	William L. Jones
Alex H. Calvert	Wm. P. Friedlander	Jennings Kearby
Walter J. Chyle, Jr.	Eugene B. Hancock	Jesse H. Lawrence
Lewis W. Combest	John Head	Paul M. Lewis

Mrs. J. T. Linton	Bart N. Peak	Marion Vance
Harry K. Lowman	Louis T. Peniston	J. B. Veech
William Maglinger	Tipton Reed	Eulick (Mike) Walsh
Shelby McCallum	J. F. Robinson	Wm. Thos. Wathen
Russell L. Meadows	Carl J. Ruh	W. W. Webster
Tom Mobley	Cecil Sanders	Morris Weintraub
Robert H. Moore	Clem Schroader	William B. Wells
Walter R. Moorman	Gus F. Sheehan, Jr.	W.A.(Pete)Wickliffe
Fred H. Morgan	Dr. B. F. Shields	Charles W. Wirsch
Earl F. Murphy	Mrs. Thelma Stovall	Walker H. Wiseman
Thomas J. Murphy	Albert Thomason	Garrett L. Withers
Ewin C. Neville		

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Those who voted in the negative were—

Charles M. Crowe	Leslie Gay	James W. Lambert

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senatee.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 97. AN ACT relating to voting procedure, amending section 118.280 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonmonwealth of Kentucky:

Section 118.280 of the Kentucky Revised Statutes is amended to read as follows:

118.280 *Issuance and marking of ballot.* (1) Any person desiring to vote and legally entitled to vote shall give his name and residence to the clerk holding the ballots, who shall write the same upon the stub of the ticket in the blank places provided thereof, together with the voter's registered number. The clerk shall enter the same information on the secondary stub. The

clerk shall then detach the ballot, with the secondary stub attached, from the main stub. The ballot shall then be signed on the back by one of the election officers. No ballot not so signed in the handwriting by one of the election officers shall be counted by the canvassing board. After the ballot has been signed by one of the election officers, it shall be handed to the voter. The clerk shall give the voter only one ballot, and on request of the voter shall explain the manner of voting. When there are separate ballots for offices or public questions to be voted for by only a portion of the voters in a precinct, such ballots shall be given only to such voters as reside in the portion of the precinct that is within the territory for which the office is provided or with respect to which the public question is submitted. The separate ballots for the election of members of boards of education shall be issued as provided in KRS 160.240.

(2) On receipt of his ballot, the voter shall forthwith, and without leaving the room, retire alone to one of the voting booths. Before marking his ballot, he shall examine it to ascertain if the facsimile signature of the county clerk and the signature of the election officer shows upon the ballot. The method of marking ballots for the election of members of boards of education shall be as provided in KRS 160.260. As to other ballots the voter shall prepare his ballot by marking a cross mark in the appropriate square immediately following the name of the candidate of his choice for each office to be filled, and in the case of questions submitted to a vote of the people by marking a cross mark in the appropriate square against the answer he desires to give. If any voter desires to vote for each and every candidate of one party, he shall mark a cross mark in the circle under the device of the party, and the vote shall then be counted for all the candidates under the device. If a cross mark is made in the circle under the device of the party, and a cross mark is also made in the square after the name of one or more candidates of a different party, the vote shall be counted for the candidates so marked, and not for the candidates for the same offices of the party so marked, but the vote shall be counted for the other candidates under the party device. If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for an office to be

filled, his ballot shall not be counted for that office. No ballot shall be rejected for any technical error that does not make it impossible to determine the voter's choice. Any voter may, in a regular or special election, vote for any qualified person other than those whose names are printed on the ballots, for any office to be filled, by writing the name of that person under the designation of the office and placing a cross mark to the right of the name. All marking upon the ballots shall be done with black ink stencil, except the writing in of names as provided in the preceding sentence, which shall be done with black lead pencil. There shall be kept in each booth the necessary stencils and pencils, securely fastened by a cord of sufficient length to enable voters to use them.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Everett J. Bach	Wm. W. Blanton	Alex H. Calvert
Sidney Baer	J. C. Bradley	Lewis W. Combest
John Rhea Banton	Edw. T. Breathitt	Marvin A. Cornett
Clarence J. Barnum	Edward O. Bridgers	Josh R. Cosby
Owen Billington	Mrs. Mary E. Burnete	C. E. Dowell

James A. Dressman, Jr.	Jennings Kearby	J. F. Robinson
Thomas R. Duncan	Paul M. Lewis	Carl J. Ruh
Harold Edwards	Mrs. J. T. Linton	Cecil Sanders
William Engle	Harry K. Lowman	Gus F. Sheehan, Jr.
Herbert Fern	William Maglinger	Dr. B. F. Shields
Wm. P. Friedlander	Shelby McCallum	Mrs. Thelma Stovall
Chas. M. Greene	G. Lee McClain	Marion Vance
Eugene B. Hancock	Russell L. Meadows	J. B. Veech
John Head	Tom Mobley	Eulick (Mike) Walsh
Farmer Helton	Robert H. Moore	Wm. Thos. Wathen
William K. Henry	Fred H. Morgan	W. W. Webster
Thomas D. Hewlett	Earl F. Murphy	Morris Weintraub
Henry R. Heyburn	Thomas J. Murphy	Hicks Wells
Ray Holbrook	Ewin C. Neville	William B. Wells
Chester J. Holsclaw	Bart N. Peak	W. A. (Pete) Wickliffe
William M. Horn	Louis T. Peniston	Walker H. Wiseman
Paul S. Jonas	Tipton Reed	Garrett L. Withers
William L. Jones		

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Those who voted in the negative were—

Bill Adams	Charles M. Crowe	James W. Lambert
Dr. John Adkins, Jr.	Jack Early	Earl Rogers
Thomas L. Britton	Leslie Gay	E. A. Spencer

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the consideration of H. B. No. 99 be passed and that it retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 95. AN ACT relating to qualification, registration and purgation of voters.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. **Qualification of voters in regular and special elections; registration required.** Every person, male or female, who possesses, on the day of any regular or special election, the qualifications set forth in Section 145 of the Constitution, who is not disqualified under that section or under any statute, and who is registered as provided in this Act, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he is qualified to vote under Section 145 of the Constitution. No person shall be permitted to vote at any regular, primary or special election unless he is registered as provided in this Act.

Section 2. **Residence requirement; how determined.** The following rules, so far as applicable, shall be observed in determining the residence of a person offering to vote:

(1) A voter's residence shall be deemed to be at the place where his habitation is, and to which, when absent, he has the intention of returning.

(2) A voter shall not lose his residence by absence for temporary purposes merely; nor shall he obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct his home.

(3) A voter shall lose his residence by removal to another state or county with intention to make his permanent residence there, or by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even though he may have had the intention to return to this state at some future period.

(4) The place where the family of a married man resides shall generally be considered his residence, unless the family so resides for a temporary purpose. If his family is permanently in one place, and he transacts his business in another, the former shall be his residence.

Section 3. **Persons permitted to register.** Any person, male or female, may register as a voter during the period the registration books are open if he possesses or will possess on the day of the next regular election, the qualifications set forth in Section

145 of the Constitution. Any member of the armed services while on extended duty may register at any time, provided he possesses the necessary qualifications.

Section 4. **Time and place of registration; when books to be closed; changing party affiliation without appearing in person.** (1) Any person possessing the qualifications for registration as a legal voter may appear before the county clerk of the county of his residence or at the temporary branch offices authorized by the County Board of Registration and Purgation, or at the permanent office or a branch office of the board of registration commissioners if he resides in a city of the first class, and register, or change his party affiliation, at any hour of any day that the office of the county clerk or said temporary branch office or the board of registration commissioners is open for business. The county clerk of every county and the board of registration commissioners of every city of the first class shall cause all registration books or lists to be closed fifty-nine days prior to, and five days following, any primary or general election, and ten days prior to any special election, and no voter shall be registered or be permitted to change his registration during the period that the books are closed.

(2) In all counties the county clerk, when authorized by the county board, shall receive registrations, transfers, or change of party affiliation at branch offices at any place in the county, provided such offices are housed in a public building to be selected by the county board. The branch offices shall not be open for a longer period than fifteen days, prior to the closing of the registration books prior to any primary or general election, and but one branch office shall be open in any county at the same time. Any person possessing the qualifications for registration as a legal voter of any voting precinct in the county may appear before the clerk during the period the books are open at the office or branch office, and register or change his party affiliation or transfer his registration card.

(3) For the purpose of registering voters in a city of the second or third class which is not the county seat, the county clerk shall maintain a branch office in the courthouse or city hall of the city and take thereto the registration books for each voting

precinct in the city and keep them there during the periods the books are open.

(4) Any voter who wishes to change his party affiliation and who does not wish to apply in person may apply to the county clerk, or to the board of registration commissioners if he resides in a city of the first class, by letter or by form which may be provided. The clerk or board shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the clerk or the board within ten days from the date of notice. If no protest is filed within the ten-day period, the county clerk or the board shall change the party affiliation of the voter as requested. If a protest is filed, the change shall not be made until the clerk or the board has investigated the matter and given the protesting voter an opportunity to be heard. The date on which the change is made shall be noted on the voter's registration record. No change of party affiliation shall be made except on those days when registrations are allowed under subsection (1) of this section.

Section 5. **Registrant to appear in person; challenge.** No person shall be registered outside of cities of the first class who does not personally appear before the county clerk at one of the places and within the times set out in section 4 of this Act. If the voter is not known to the clerk, or if any bystander challenges the voter's right to register, the voter shall be sworn by the clerk and shall answer all questions asked him by the clerk or bystander touching his qualifications as a voter, or his right to be registered, and on the registration book opposite the name of the voter the clerk shall write the words, "sworn as to qualifications."

Section 6. **Forms for registration.** (1) The State Board of Registration and Purgation shall constitute a board to prepare blanks and all other forms for the registration, purgation, transfers, etc. of voters outside of cities of the first class. The blanks and forms shall be printed, prepared and furnished as other books are now printed and prepared for the state, and shall be paid for out of the State Treasury. Separate card or loose-leaf registration record forms for the registration of the individual

voters shall be prepared in duplicate, upon durable paper and of convenient size and shape as determined by the board, the original cards or forms being printed upon white paper and marked "Original," and the duplicates printed upon paper of another color and marked "Copy," each of the cards or forms providing for the entry thereon of the following information, signature and affidavit of the voter:

Date of Registration _____

Serial Number _____

Name of Voter _____

Address _____

(Number) (Street) (City or post office) (County road) (Box No.)

Nearest neighbor, if not in city or town_____

_____ _____

Term of Residence: State _____

County _____

Precinct _____

Color _____

Occupation _____

Party Affiliation _____ Sex_____

Apparent Weight _____

Apparent Height _____

Other Means of Identification _____

_____

_____Signature of Voter

Attest: _____

Clerk of _____County Court

VOTING RECORD

Mark the appropriate space for each election at which the elector votes.

	Primary	General		Primary	General		Primary	General
1952			1959			1966		
1953			1960			1967		
1954			1961			1968		
1955			1962			1969		
1956			1963			1970		
1957			1964			1971		
1958			1965			1972		

(2) The county court clerk shall issue special instructions to election officers, advising them of the necessity of keeping the voting record of each voter.

Section 7. **Forms to be made out and signed; preservations; lists of voters.** (1) At the time of registering a voter outside of cities of the first class, the county clerk shall enter upon the original record form the name of the voter and all other information called for on the form. After the entries have been made, the voter shall write his signature upon both the original and copy record forms. If any applicant for registration states under oath that he cannot write his name, the clerk shall sign the registration record forms for such person, and such person shall sign the records by making his mark thereon and the clerk shall attest the same. The clerk, at the time of registering the voter or as soon thereafter as practicable, shall enter upon the copy record form the name of the voter together with all of the information appearing on the original record form, so that the copy

form shall be an exact duplicate of the original, and shall at all times keep in a safe place in his office both the original and copy record forms, except that the copy forms shall be furnished to the election officers as provided in Section 10 of this Act. The original and copy record forms shall be filed in securely locked binders or card files, by precincts, in such systematic order as is prescribed by the State Board of Registration and Purgation, and shall constitute the precinct registers to be used as provided in this Act.

(2) Immediately after the closing of the registration books as provided in Section 4 of this Act, the county clerk shall prepare a list, in quadruplicate, of all registered voters in each precinct as shown by his registration books, and shall furnish one copy, without cost, to the county board of registration and purgation. After the county board of registration and purgation has completed its purgation of the registration lists and has notified the county clerk of the names purged, he shall strike those names from the quadruple lists prepared by him. The lists so corrected shall be furnished in triplicate to the election clerks as provided in Section 10 of this Act.

Section 8. **Replacement of lost or destroyed forms; re-registration.** (1) If any original or copy registration record form, outside of cities of the first class, is lost or destroyed, or becomes in such condition as to render it difficult or unsafe to use, the county clerk shall cause a new registration record form to be made and executed in such manner as may be necessary, consistent with the provisions of this Act, the cost to be paid out of the county treasury. If the re-registration of the voters of an entire precinct so becomes necessary, it shall be held in the precinct at the next ensuing primary or general election, in the same manner as the initial registration was made under Chapter 45 of the Acts of 1936. If such re-registration is made necessary by the loss or destruction of registration records through the negligence or willful misconduct of any person, that person shall be liable to the state for the cost of the re-registration, to be recovered in a civil action in the name of the state.

(2) Any voter who changes his name, by marriage or other-

wise, shall be required to register anew, and the old registration record of such voter shall be marked "Cancelled. Name changed to _____." The old record shall then be placed in the cancelled registrations file and the copies thereof disposed of as provided in section 57 of this Act.

(3) The board shall use the information in the office of the county clerk on marriages, change of name, etc. to make the cancellations authorized by subsection (2), but shall do so only after a five days notice by mail. If any protest is filed, the board shall hear said protestant after notice by mail of five days.

Section 9. **Transferring registration.** (1) When a voter registered outside of cities of the first class changes his place of residence from one precinct to another in the same county, he may apply to the county clerk in person or by letter to have his registration record transferred to the proper precinct. If by letter, the clerk shall mail to the voter, a form to be prescribed by the State Board of Registration and Purgation which the voter shall fill out and return to the clerk. The clerk shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the county clerk within five days from the date of the notice. If no protest is filed within the period of five days the county clerk shall change the registration record to the proper precinct as requested. If protest is filed within the five-day period, the change shall not be made until the clerk has investigated the matter and given the protesting voter an opportunity to be heard by the board. When a change is so made, the clerk shall, under the head "remarks" or on the back of his original and copy registration record forms, write the words "removed to _____ precinct," and the date. Such transfers shall be registered only on those days when registrations are allowed under Section 4 or as provided in Section 53 of this Act.

(2) If any area in a county containing a city of the first class shall be annexed by said city then the clerk shall transfer

all registration records of persons residing in the annexed area to the City Board, and said persons shall not be required to re-register.

(3) When the boundaries of any precinct are changed by law and the change places a registered voter in a new or different precinct, the county clerk shall transfer the individual registration record of the voter to the precinct registrar for the precinct in which he is placed by the change of boundary. The transfer shall be made automatically, without any application therefor by the voter. The date on which the change is made and the reason therefor shall be noted on the individual's registration record, and a notice thereof shall be mailed by the county clerk to the voter, advising him thereof and the reason therefor.

(4) Every supplier of gas, water, telephone service and electric current operating in the county shall, every Monday, furnish to the county court clerk a certified report containing the names of all persons who have, during the week immediately preceding, ordered gas, water, electric current or telephone service to be installed, removed or discontinued, with the address at which the services were ordered to be installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the clerk and county board only for the purpose of correcting its records as provided in this Section.

(5) The clerk may, upon the application of any registered voter, or upon the basis of reliable information obtained or furnished from any source, transfer the registration records of any voter to the precinct where it belongs, but no such transfer shall be made unless notice has been mailed to the voter at the address appearing on the existing registration records, stating that his registration will be transferred, for the reason stated in the notice. Unless protest is filed within five days, the transfer shall not be made until the five day period has expired. If protest is filed, the matter shall be brought to the attention of the board by the clerk, and the protestant shall be given a hearing at the next meeting of the board, of which meeting the protestant shall have a five day notice by mail.

Section 10. **Register and list of voters to be delivered to**

election clerk. At the same time the county clerk delivers the ballots at each primary, special or regular election, he shall deliver to the precinct election clerk of each precinct the precinct register containing the copy record forms, after having first securely locked them in the binders or containers, and a correct single-spaced typewritten list, in triplicate, of all voters then registered in the precinct and entitled to vote in the election, giving the name and address of each voter, each page of the list being separately attested by the county clerk. The election clerk shall give the county clerk a receipt for the precinct register. The election clerk shall cause the precinct register to be produced at the proper polling place in his precinct at the opening of the polls on election day, and he shall, at the opening of the polls, post one copy of the typewritten list outside the entrance to the voting place, and deliver one copy to the sheriff of the election, retaining the third copy for the use of himself and the judges of the election. At the close of the polls the election clerk shall deposit one copy of the list in the ballot box. The election officers who return the ballot boxes to the county clerk's office shall at the same time return the precinct register to the county clerk and secure a receipt therefor.

Section 11. (1) Section 30 of this Act shall apply to all counties as well as to cities of the first class, except that where board of registration commissioners is used in that section with reference to cities of the first class, it shall, when applied to counties, refer to the county board of registration and purgation.

(2) The clerk of each precinct, immediately after issuing the ballot to any voter at every primary and regular election, shall indicate in the proper place on the registration record that such person voted at the election.

(3) The fact that a person is registered constitutes only prima facie evidence of his right to vote and does not prevent the officers of any primary, special or regular election from refusing to issue him a ballot for causes and in the manner provided by the general election laws of the state.

Section 12. **Right to inspect and obtain copies of registra-**

tion books. The county clerk shall permit any citizen, at all reasonable hours, to inspect or make copies of any registration book, without any fee. He shall, upon request, furnish to any person a copy of the registration books, for which he shall receive the compensation provided in section 13 of this Act.

Section 13. **Fees allowed county clerk.** (1) The county clerk is entitled to collect:

(a) For original registration, ten cents for each person registered.

(b) For copying from the original registry into the copy book, or copying from the original for the use of any person, five cents per name, including data and remarks.

(c) For making copies of any registration books lost, mutilated or destroyed, five cents per name, including data and remarks.

(d) For preparing the lists of registered voters for use of election officers as required by section 10 of this Act, two cents for each name listed on the original copy only.

(2) The fees shall be paid by the county, except where the copying is done for an individual at his request.

Section 14. **Powers and liabilities of deputy county clerk.** Any duty imposed on the county clerk relating to registration and purgation may be performed by any deputy county clerk. The deputy clerk shall be subject to all penalties provided against the clerk under the statutes relating to registration and purgation.

Section 15. **Definition of "city executive committee."** The term "city executive committee," when used in this Act, refers to the governing body of each of the two political parties receiving the largest number of votes at the last preceding regular election in any county containing a city of the first class. If there are two or more contending city executive committees of

the same political party in the county, the term shall refer to the committee that is recognized by the state central committee of that party, as evidenced by the written certificate of its chairman.

Section 16. **Board of registration commissioners; powers; qualifications; compensation.** Each city of the first class shall have a body corporate designated as "The Board of Registration Commissioners of the City of————————." The administration of registration for elections and purgation of registration in such city shall be under the supervision and control of the board. The board may make contracts, sue and be sued, and adopt a common seal. The board may adopt reasonable rules and regulations necessary for the proper conduct of its office and the discharge of its duties. If the members of the board cannot agree upon any question arising in connection with the administration of their duties, the mayor shall cast the deciding vote. The board shall consist of two members who are citizens and registered voters of the city for which they are appointed and not less than twenty-five years of age. Each member shall, before taking office, take an oath that he possesses the required qualifications, and before making any appointment to the board the mayor shall determine that the proposed appointees possess the required qualifications. Each member of the board shall receive a reasonable compensation fixed by ordinance, but not less than $1,200 per year.

Section 17. **Appointment of board members; term.** (1) On January 1 every fourth year, beginning with 1950, the mayor of each city of the first class shall appoint two members of the board of registration commissioners, who shall hold office for a term of four years and until their successors are appointed and have qualified. The members shall be eligible for reappointment and to succeed themselves.

(2) Each of the city executive committees shall, on or before December 1 every fourth year, beginning with 1949, submit to the mayor a written list of five persons possessing the required qualifications for members of the board. If the persons so nominated are not, in the opinion of the mayor, competent or desirable for appointment, the major may within five days thereafter request the city executive committee to submit

a new list, and the committee shall within five days thereafter submit to the mayor a new written list of five persons possessing the required qualifications. From all the names submitted to the mayor, he shall appoint the members of the board, so that the board will be composed of one member from each of the two political parties that received the largest number of votes at the last preceding regular election in the county.

(3) If either of the city executive committees fails to submit a list, the major may select and appoint as a member of the board any qualified person who is registered as a member of and supported at the last regular election the nominees of the political party represented by the city executive committee that failed to furnish a list.

Section 18. **Removals; vacancies; incompatible offices.** (1) The mayor shall remove any member of the board of registration commissioners who is or becomes disqualified, and shall remove any member upon written request of the city executive committee that nominated the member. The mayor may at any time, without cause, remove the commissioner nominated by the city executive committee of the party with which the mayor is affiliated. Orders of removal shall be in writing and shall be filed with and become a part of the records of the board.

(2) If a vacancy occurs, the mayor shall immediately notify the city executive committee that nominated the member with respect to whom the vacancy has occurred, and that committee shall without delay submit to the mayor a written list of five qualified persons. If the persons so nominated are not, in the opinion of the mayor, competent or desirable for appointment, the mayor shall immediately request the committee to submit a new list, and the committee shall without delay submit to the mayor a new written list of five qualified persons. From the two lists the mayor shall at once fill the vacancy for the unexpired term by appointment.

(3) If any member of the board, during his term of office, accepts any office, whether elective or appointive, or becomes a candidate for any elective office, he shall ipso facto vacate his office on the board. No member of the city executive com-

mittee of either party shall be a member of the board or hold any clerical or other position under the board.

Section 19. **Bond of board members.** Each member of the board of registration commissioners shall executive bond, with good security, to be approved by the mayor. The bond shall, when approved by the mayor, be filed with the comptroller and inspector of the city and shall be a public record. Suit may be maintained upon the bond against the principal and sureties for any violation by the principal. The suit shall be brought in the name of the city, and the amount recovered in the suit shall be paid to the board of registration commissioners for the purposes of the board.

Section 20. **Employes of board.** The board of registration commissioners shall appoint a registrar and an assistant registrar who shall act respectively as secretary and assistant secretary of the board. They shall have general charge of its office, records and employes under the supervision and direction of the board and shall perform the duties that the board prescribes. They shall hold office at the pleasure of the board and devote their entire time to the duties of their office. They shall be members of opposite political parties, each member of the board having the right to designate the one to be chosen from the political party of which he is a member. The board may employ clerks and employes for such periods of time as it deems necessary for the proper conduct of its business. The employes of the board shall be employed as nearly as practicable in equal numbers from the two political parties represented on the board. The board may require bond with security from the registrar or any employe, and may fix the terms and penalty of the bond. The registrar and assistant registrar shall each receive the same annual salary, to be fixed by the board at a reasonable sum, and the compensation of all clerks or employes shall be fixed by the board at a reasonable sum. All salaries and compensation shall be paid by the board.

Section 21. **Oath may be administered by board and employes.** Any member of the board of registration commissioners, the registrar, assistant registrar, and any temporary or permanent employe of the board may administer oath to any person of

whom information is sought touching any matter pertaining to the administration of the statutes relating to registration and purgation in cities of the first class.

Section 22. **Tax for support of board; business records; fiscal year.** (1) In order to meet the expenses of the board of registration commissioners, each city of the first class shall levy and cause to be collected an annual tax of not less than three-quarters of one cent and not more than one and one-half cents upon each one hundred dollars of assessed value of all property in the city taxable for city purposes. The taxes shall be paid over to the board and receipted for by it.

(2) The board shall keep complete records of all receipts and disbursements which shall be audited annually by the comptroller who shall make a full report thereof to the mayor, with a copy to the city registration board, on or before December 1 of each year. The board shall keep adequate and systematic records of its official actions, financial accounts and such other matters as it deems necessary or desirable. The fiscal year of the board shall be the same as that of the city.

Section 23. **Supplies; purchase of; officers not to be interested in contracts; no future charge to be created.** All supplies required under the statutes relating to registration and purgation in cities of the first class shall be bought by the board by competitive bids upon uniform specifications, and the contract shall be awarded to the lowest and best bidder. No member, officer or employe of the board of registration commissioners shall be directly or indirectly interested in any contract with the board. The board shall not, to any extent or under any device, create a charge upon the income of a future year.

Section 24. **Offices of board; office hours; registration supplies.** (1) The board of registration commissioners shall acquire and maintain a permanent office and equip it in such manner as it deems necessary. The office shall be maintained and kept open to the public every day, except Sundays and holidays, between the hours of 9:00 a.m. and 4:30 p.m. except that the board may authorize the office to be closed at 1:00 p.m. on Saturdays. The board also may keep the office open to the

public at night or at such other hours as the board may determine, not inconsistent with the provisions of this Act. The board may establish such temporary branch offices, not exceeding one for each ward, as it deems necessary, and keep them open for not more than one week in each of the months of May, June, August and September.

(2) The board shall prescribe and provide all forms, records and paraphernalia required for the conduct of registration.

Section 25. **Method of registration.** (1) During the time the office of the board of registration commissioners is lawfully open for registration the registrar and assistant registrar and such deputy registrars as the board appoints shall register every person who applies in person at the permanent or any temporary branch office of the board and complies with the provisions of subsection (2) of this section.

(2) Every person applying to be registered shall make oath on the form prescribed by the board that he possesses the legal qualifications for registration, and shall be required to sign his name on two registration record forms. The signature shall be attested by two employes of the board of opposite political affiliations. One of the registration record forms shall be filled out in full before the signature and oath of the registrant is made, but only the signatures of the registrant and of two employes of the board of opposite political affiliations shall appear on the duplicate form. The registrar or assistant or deputy registrar shall enter on the registration record form, in the proper places, the name, address, color, sex, apparent height, weight, party affiliation, occupation, birthplace and mother's name of the person applying for registration, and any distinguishing physical characteristic of the person that may serve as an additional means of identification. He shall also enter the date of registration and whether or not the person is over twenty-one years of age, and, if the person is naturalized, he shall enter the time and place of naturalization. If a person applying for registration states under oath that he cannot write his name, the registrar or assistant or deputy registrar shall sign the registration form for him, and he shall sign the form by making his mark which shall be attested by the registrar or assistant or deputy registrar

and by another employe of the board of opposite political affiliation.

Section 26. **Copies of registration records; preservation and disposition; loss or destruction.** (1) The board of registration commissioners shall cause to be made five typewritten or photostatic copies of the registration record of each person who registers. One of the copies shall be typewritten on the form signed in blank by the registrant as provided in Section 25 of this Act. The original record and the copy signed by the registrant shall be filed in locked binders or card files, by precincts, in such systematic order as the board prescribes, and shall constitute the precinct registers. Another copy of the record shall be filed in locked binders or card files, without regard to precincts, in alphabetical order for the entire city. The board shall furnish one copy of each record, as soon as completed, to each of the city executive committees.

(2) The board shall keep the original registration records and the copies required to be kept by this section safely in its office, and shall not permit them to be taken therefrom except as provided in Sections 29 and 30 of this Act, or on order of a court for the purpose of use in a trial or proceeding. The initial registration records made under Chapter 48 of the Acts of 1930 shall also be kept as provided in this section.

(3) The date on which any change in the registration or party affiliation of a voter is made shall be noted on the individual registration record of the voter in each of three registers maintained by the board. The board shall make and keep a record of all changes and transfers of registration, and shall, on the first day of each week, furnish each of the city executive committees a list of the changes and transfers made during the preceding week.

(4) If the original of any individual registration record is lost, destroyed or becomes in such condition as to render it difficult or unsafe to use, the board shall cause a new record to be made in such manner as it deems necessary consistent with the provisions of this Act.

Section 27. **Transfer of registration on change of precinct**

boundaries. When the boundaries of any precinct are changed by law and the change places a registered voter in a new or different precinct, the board of registration commissioners shall transfer the individual registration record of the voter to the precinct register for the precinct in which he is placed by the change of boundaries. The transfer shall be made automatically, without any application therefor by the voter. The date on which the change is made and the reason therefor shall be noted on the individual's registration record, and also on the registrant's card kept in the record file arranged alphabetically for the entire city, and a notice thereof shall be mailed by the board to the voter, advising him thereof and the reason therefor.

Section 28. **New registration required when name changed; transfer of registration on change of residence; utility companies to report change of address of customers.** (1) Any voter of a city of the first class who changes his name, by marriage or otherwise, shall be required to register anew, and the old registration record of such voter shall be marked "cancelled. Name changed to————————." The old record shall then be placed in the cancelled registrations file and the copies thereof disposed of as provided in section 57 of this Act.

(2) When any registered voter in a city of the first class moves from the precinct in which he is registered to a different precinct in the city, he shall make and sign an application to have his registration record transferred to the proper precinct, and deliver the application to the board of registration commissioners.

(3) Every gas, water, electric light and telephone company operating in a city of the first class shall, every Monday, furnish to the board of registration commissioners a certified report containing the names of all persons who have, during the week immediately preceding, ordered gas, water, electric light or telephone service to be installed, removed or discontinued, with the addresses at which the service was ordered to be installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the board only for the purpose of correcting its records as provided in this section. Every department of the city shall, every Monday, furnish the board

with the names and addresses of all persons who have, to the official knowledge of the department, moved during the preceding week.

(4) The board of registration commissioners may, upon the application of any registered voter, or upon the basis of the information received under subsection (3) of this section, or upon the basis of reliable information obtained or furnished from any other source, transfer the registration record of any voter to the precinct where it belongs, but no such transfer shall be made unless notice has been mailed to the voter at the address appearing on the existing registration records, stating that his registration will be transferred, for the reason stated in the notice, unless protest is filed within five days, and the transfer shall not be made until the five-day period has expired. If protest is filed, the board shall investigate the matter and shall take no action until after the protestant has been given an opportunity to be heard.

Section 29. **Precinct registers to be delivered to election clerks.** At each primary, special or regular election, one set of the precinct registers for each precinct containing the typewritten copies of the registration records signed by the voters, after having first been securely locked in the binders or containers provided by the board of registration commissioners, shall be turned over to the clerks of election of the respective precincts for use in holding the election. The clerks shall sign receipts for the precinct registers and shall, within two days after the election, return the registers to the office of the board and secure a receipt therefor.

Section 30. **Comparative signature books; comparison of voter's signature with registration record; voting record.** (1) Prior to every primary, special, or regular election in a city of the first class, the county clerk shall have prepared for each precinct of the city a comparative signature book which shall be in permanent form and contain sufficient blank sheets of non-detachable type to afford reasonable space for as many signatures as there are registered voters in the precinct. The county clerk shall follow the instructions of the board of registration commissioners with respect to the exact form and makeup of the

comparative signature books and they shall be furnished and paid for in the same manner as other election paraphernalia. The county clerk shall deliver the comparative signature books along with other election paraphernalia to the clerks of election of the several precincts who shall sign a receipt therefor. Before a vote is cast by any person, at any primary, special, or regular election in a city of the first class, he shall sign his name in the comparative signature book, unless he signed his registration record by making his mark, and the officers of election shall compare the signature of every such person with the signature of that person on the registration record form in the precinct register. The challengers of the respective political parties present shall also have the right to compare the signature at the time the comparison is made by the officers of election. If the comparison of signatures creates a doubt in the minds of two of the election officers as to whether the person applying to vote is the same person as the registrant, no vote shall be cast by him unless he otherwise satisfactorily establishes his identity as the registrant. When the polls close, the precinct sheriff and judge of the opposite political faith shall forthwith convey the comparative signature book to the place where the county clerk receives other election paraphernalia. The board of registration commissioners shall have at that place, plainly identified, a duly authorized representative to whom the sheriff and judge aforesaid shall deliver the comparative signature book and secure a receipt therefor. The board shall retain the comparative signature books for at least the next two succeeding primary and general elections.

(2) If any person applying to vote at an election states that he cannot sign his name, the judges of election shall immediately swear him as to his name and his inability to write, and thereupon the judges and the challengers of the respective political parties shall examine the registration record in the precinct register, and if it is shown by that record that the person of that name signed his name on the registration record, said person shall not be permitted to cast a vote, unless his inability to sign his name at the date of the election is due to some physical disability arising subsequent to his registration. The election officers shall make and return to the board a record sheet of each

person so sworn, showing the disposition made of each case, which shall be delivered to the Commonwealth's attorney within ten days of the election. The record sheets shall be provided as other election paraphernalia.

(3) The clerk in each precinct shall, immediately after a person has cast his vote at every primary, special, and regular election, indicate at the proper place on the registration record that such person voted at the election.

Section. 31. **Right to inspect and obtain copies of registration records.** The board of registration commissioners shall permit any citizen, at such times as its office is open to the public and as will not interfere with the proper conduct of the office, to copy any registration record without fee or charge. Copies of registration records made and furnished by the board, except those furnished the city executive committees as provided in section 26 of this Act, shall be paid for by the person ordering and receiving them, at the rate of ten cents per copy for each individual registration record so copied. The fees so collected by the board shall be used for the purposes of the board.

Section 32. **Definition of "voter."** As used in this Act, unless the context requires otherwise, the word "voter" means any name contained in any registration list, regardless of whether the voter is an illegal or legal voter and regardless of whether the voter is a man or a woman.

Section 33. **State Board of Registration and Purgation; membership, oath.** There shall be a State Board of Registration and Purgation composed of the same members that compose the State Board of Election Commissioners. The members of the board shall take an oath to faithfully discharge the duties imposed upon them by the laws of this state.

Section 34. **General duties of state board.** The State Board of Registration and Purgation shall supervise registration and purgation under the provisions of this Act outside cities of the first class, and shall perform such duties as are imposed upon it by this Act in regard to registration and purgation in cities of the first class. The board shall see that each county and each city of the first class complies with the registration and purga-

tion laws applying to them, and shall ascertain whether the county court clerks and boards of registration commissioners have all the necessary registration equipment to properly register the voters in each county and in each city of the first class. The board may adopt rules and regulations necessary to properly carry out the registration and purgation laws of the state.

Section 35. **Compensation of members of state board; supplies.** In addition to the compensation and expenses allowed him as a member of the State Board of Election Commissioners, each member of the State Board of Registration and Purgation shall be paid for his services under this Act, a reasonable sum to be fixed by the Commissioner of Finance, and, in addition, his expenses in attending board meetings. The compensation shall be paid out of the State Treasury upon requisition signed by the chairman of the board and approved by the Commissioner of Finance. The board may purchase supplies and equipment necessary to carry out the provisions of this Act.

Section 36. **Clerk of state board; filing and disposing of complaints.** The State Board of Registration and Purgation may employ a clerk at a reasonable salary payable in monthly installments. If a clerk is employed he shall keep the office of the board open at all reasonable times and any person or political party who has any complaint to lodge with the board may do so by delivering the complaint in writing to the clerk. The clerk shall immediately notify the chairman of the board of the complaint and the board shall consider and dispose of the complaint at its next meeting.

Section 37. **Suits against state board; appeals from its decisions.** The State Board of Registration and Purgation may be sued in the Franklin circuit court, and any decision rendered by the board may be appealed to the Franklin circuit court in the manner now provided for appeals from quarterly courts to circuit courts, and may be tried de novo.

Section 38. **County boards of registration and purgation; appointment; qualifications; removals.** (1) The State Board of Registration and Purgation shall, during the month of July, 1952, and each four years thereafter, appoint a county board of registration and purgation for each county to serve for four years

beginning January 1, 1953, or until their successors are appointed and qualified. The county board shall consist of three members, one member shall be selected from each political party having representation on the state board. Said selections shall be made from a list of five names submitted by the county executive committee of each of said political parties. Said selections shall be made by the state board at the same time the State Board of Election Commissioners selects members of the county board of election commissioners, and the lists provided for herein shall be submitted by the political parties at the same time lists are submitted for county election commissioners. The third member shall be selected by the two members appointed by the state board. If the two members cannot agree within ten days after their qualification on January 1st, then this fact shall be certified to the state board, by the secretary of the local board, and the state board shall within ten days appoint the third member.

(2) Each member shall be 21 years of age, shall reside in the county of his appointment and shall be a duly registered and qualified voter. The state board may remove any member of the county board for cause which shall be spread on the minutes of the state board.

(3) Any vacancy occurring shall be filled as originally provided for herein, except that if the vacancy occurs in the membership of party members, then the appointment shall be made from new lists to be submitted by the county executive committee within five days after being notified by the state board.

(4) If any county committee should fail to file a list as required herein, then the state board may appoint a person who is duly affiliated and has been registered with the party which failed to file a list. The registration shall be determined as of the last general election.

(5) If the state board fails to name a county board of registration at the designated time or if a county board fails to qualify within ten days after appointment, then any citizen of the county may bring a summary proceeding in the Franklin

circuit court to compel the appointment of a county board or the reappointment of a county board if the members or any of them fail to qualify as herein provided.

Section 39. **Certificate of appointment of county board members; officers.** (1) The members of each county board of registration and purgation shall receive a certificate of appointment signed by the chairman and attested by the secretary of the State Board of Registration and Purgation, except the third member, when appointed by the two members, in which event the two members shall prepare the certificate. The certificate of appointment shall be presented by the members to the county clerk of the county of their appointment, who shall administer the oath of office to them.

(2) The members of each county board of registration and purgation, when appointed and qualified, shall meet and select one of their members as chairman. The county court clerk shall act as secretary of the board. The chairman of the board shall preside over all meetings.

Section 40. **General duties of county boards.** The county boards of registration and purgation shall administer, in their respective counties, the provisions of this Act relating to registration and purgation outside cities of the first class. Each board may adopt such reasonable rules and regulations as are necessary for the proper conduct of its office and in the discharge of its duties.

Section 41. **Compensation of county boards; time and place of meetings.** (1) In counties containing a first class city, each member of the county board of registration and purgation shall receive compensation of not less than $1200.00 per year, the exact amount to be fixed by the fiscal court and paid monthly. In all other counties, each member of the county board, and the secretary thereof, shall receive compensation of not less than six dollars nor more than fifteen dollars per day, the exact amount to be fixed by the fiscal court, for each day in session, and, in addition, the secretary may receive compensation for fifteen days while the board is not in session. No board member shall be paid for more than thirty-four days in each year.

(2) In counties that do not have a city of the first class, the board shall meet for not more than thirty-two days each year, for five days after the closing of registration books before each primary election, for five days after the closing of registration books before each general election, for twenty days at any other time of the year when the registration books are open, provided that no part of the twenty day period shall occur later than seventy-nine days before the August primary election, and, for the performance of the duties set out in section 52 of this Act, for two days after the registration books are opened following each primary election. In counties having a city of the first class, the board may meet at any time necessary to perform its duties, and shall remain in session for the purpose of hearing challenges continuously from the date that the registration books are closed before any primary or regular election, but in all counties the purgation must be concluded at least twenty days before any primary or general election. In all counties the board shall hold all of its meetings at the courthouse unless it is necessary that it hold meetings at some other place in the county, but no meeting shall be held at any other place in the county unless the persons affected by the meeting are given written notice of its time and place.

(3) If any county board fails to meet as herein required and fails to make a diligent effort to effect an adequate purgation, then any citizen of the county may prefer charges against said board before the state board, which charges shall be heard and disposed of within five days after notice has been given to the county board for five days. If the state board fails to act on said charges as herein provided then said citizen may apply for a summary mandatory order to the circuit judge of the county.

Section 42. **Sessions of county and city boards.** For the correction of clerical errors, both the county boards and the board of commissioners of cities of the first class shall stay in session on primary and general election days, and are authorized to make to the election officers such certifications as may be necessary. On said days appeals may be made to the county judge or circuit judge, as the case may be, except that in cities

of the first class all appeals shall be made to a circuit judge. Sessions of the board held on primary and general election days shall not be counted in the thirty-two day limit on sessions provided in subsection (2) of section 41 of this Act.

Section 43. **Employes, supplies, payment.** Each county board of registration and purgation may employ such clerical, stenographic and other help, and purchase such supplies and equipment, as it deems necessary to carry out its duties under the provisions of this Act. The help so employed and supplies and equipment so purchased shall be paid for by the fiscal court of the county upon certification of the cost to the fiscal court by the chairman and one member of opposite political faith of the board, accompanied by an affidavit of the chairman and one member of opposite political faith of the board that the employment or purchase was necessary in the discharge of the duties of the board and that the amount allowed or expended for such help, supplies and equipment was in their opinion reasonable.

Section 44. **Purgation by county boards.** (1) The county boards of registration and purgation may examine the registration lists and registration books in the county clerk's office as often as they deem advisable, or the boards may proceed upon the challenge by any citizen or political executive committee having representation upon the State Board of Election Commissioners, and shall examine the registration books after the closing date of the books for registration and before any primary or regular election, for the purpose of removing from the lists or books the names of persons who have, since the date of their registration, died, moved or otherwise become disqualified to vote. If a county board of registration and purgation, upon investigation, has reasonable grounds to believe that there are names upon the registration lists or books of persons who have died, moved or otherwise become disqualified to participate in any regular, special or primary election, the board shall prepare a list of such names. When the board challenges, or upon the challenge of any citizen or political executive committee having representation upon the State Board of Election Commissioners, the registration of any voter, it shall immediately notify the voter in writing, by first-class mail, at his place of residence shown

upon the registration list or book that his right to vote in the primary or regular election has been challenged and that his name will be stricken from the registration list or books unless he appears before the board within five days from the date of the notice and shows cause why his name should not be stricken. If the voter appears and desires to be heard upon the challenge, the board shall hear and determine whether or not the name of the voter should remain upon the registration lists or books, and no name shall be stricken from the registration lists or books until the voter has been given an opportunity to be heard. If the board determines that the voter is legally registered, his name shall remain upon the registration lists or books. If after a hearing the board determines that the name of the voter is illegally or improperly upon the lists or books, it shall enter an order directing the county clerk to strike the name of the voter therefrom. If, after the notice, as herein provided, the voter fails to appear before the board and contest the challenge, it shall be prima facie evidence that his name illegally or improperly appears upon the registration lists or books, and the board without further hearing shall strike his name therefrom. After completing its purgation of the registration lists of a county, the board shall notify the county clerk of all names purged by it. Challenges by a committee or citizen must be made within ten days after the registration books close before a primary or general election, and shall be in writing, giving the name and address of the challenged voter and the reason therefor. The board shall then meet on the eleventh day following the closing of the books and may sit for a period of five days, the last day to be not less than twenty days prior to the primary or general election.

(2) The failure of any person to vote at any primary or regular election for two consecutive years, as shown by the voting record of such person on his registration record, shall constitute a cause for challenge of any such person, and the board may challenge and ascertain, in the manner provided in subsection (1) of this section, such person's right to remain registered.

(3) The county board may, whenever it deems necessary, order a house to house canvass. The procedure shall be the same as provided in sections 46 and 47 of this Act except that

the determination to have a house to house canvass is in the discretion of the board, and shall only be made in such precincts as the board shall order. The compensation of the canvassers shall be fixed by the fiscal court.

(4) The registrar of vital statistics for each county shall furnish to the county clerk of his county, at least once a month, a certified report containing the names and addresses of all persons whose death, occurring in the county during the month immediately preceding, has been reported to the registrar. Each circuit clerk shall furnish to the county clerk, at least once a month, a certified report containing the names and addresses of all persons who, during the month immediately preceding, have been adjudged insane by the circuit court or convicted in that court of any offense that operates as an exclusion from suffrage, the nature of the offense to be stated in the report. Immediately upon receipt of such reports of deaths, adjudications of insanity and convictions, the county clerk shall submit such information to the board who shall verify it and notify the person affected, in such written form as it adopts, at the address appearing on the registration. If no protest is filed within five days, the registration record of the person shall be cancelled. If protest is filed within that time, the clerk shall investigate the matter and shall not cancel the record until after the protestant has been given an opportunity to be heard.

(5) When the mail notices required herein are returned unclaimed, the county board shall cause the names of the persons affected by such notices to be published in at least one issue of the newspaper with the largest circulation in the county.

Section 45. **Purgation by board of registration commissioners in cities of first class on grounds of death, disqualification, marriage or failure to vote.** (1) The Division of Vital Statistics of the State Board of Health located in any city of the first class shall, every Monday, furnish to the board of registration commissioners of the city a verified report containing the names and address of all persons whose deaths, occurring within the city during the week immediately preceding, have been reported to the division. The clerk of the circuit court of the circuit in which any city of the first class is located, shall, every

Monday, furnish to the board a certified report containing the names and addresses of all persons who have, during the week immediately preceding, been adjudged insane or convicted of any offense that operates as an exclusion from suffrage, the nature of the offense to be stated in the report. The county clerk of the county in which any city of the first class is located shall, every Monday, furnish to the board a certified report containing the names and addresses of all persons whose names have been changed by marriage as evidenced by certificates returned to the clerk, during the week immediately preceding, in accordance with the provisions of KRS 402.220.

(2) Immediately upon receipt of such reports of deaths, adjudications of insanity, convictions, and changes of name by marriage, the board shall mail a notice to every person whose name is included in any of the reports, at the address appearing on the registration record of such person in the office of the board, stating that his registration will be cancelled, for the reason stated in the notice, unless protest is filed within five days from and including the date of the notice. If no protest is filed within that time, the registration record of the person shall be cancelled. If protest is filed within that time, the board shall investigate the matter, and shall not cancel the record until after the protestant has been given an opportunity to be heard.

(3) The failure of any person to vote at any primary or regular election for two consecutive years, as shown by the voting record of such person on his registration record, shall be prima facie evidence that he is no longer entitled to registration. The board shall, in January of each year, cause a check of all registration records to be made and a list prepared of all persons whose registration records indicate that they have failed for two consecutive years to vote at any primary or regular election, and shall mail a notice to each person on the list, stating that his registration will be cancelled, for failure to vote, unless protest is filed within five days from the date of the notice. If no protest is filed within that time, the registration shall be cancelled. If protest is filed, the board shall make an investigation, and shall not cancel the registration if the person is legally entitled to registration.

Section 46. **Purgation for primary election in cities of first class by house to house canvass.** The city board of registration of each county containing a city of the first class shall cause a purging and correcting of the registration lists and records of the city for primary elections upon the request in writing of the county executive committee of either of the two political parties having representation upon the State Board of Election Commissioners, or upon the request in writing of any candidate for office in the primary. The purging and correcting shall be conducting as provided in this section.

(2) The registration commissioners of the city, shall cause to be made a house to house canvass in each precinct of the city with respect to which a request has been made under subsection (1) of this section. The canvass shall be made jointly by two investigators in each precinct, who shall be appointed by the board of registration commissioners ten days in advance of the date specified for the commencement of the canvass. One of the investigators shall be selected from each of the two political parties having representation upon the State Board of Election Commissioners. The city board of registration may remove any investigator and appoint a substitute. The canvass shall be made during the first two weeks of the sixty-day period next preceding the date upon which the primary is to be held. The board of registration commissioners shall prepare and furnish each investigator with a list of names and addresses of the registered voters in the precinct which he is to investigate, arranged in convenient order to facilitate investigation.

(3) The investigators for each precinct shall make a written report to the board of registration commissioners not later than the last day of the two weeks period provided for making the canvass, giving the names and addresses of all persons properly registered in the precinct who are legally entitled to vote in the primary election to be held in that year. When the reports of the investigators in any precinct agree that any person registered in the precinct is not legally entitled to vote at the election to be held in that year, the city board of registration commissioners of the city shall remove, transfer or cancel such registration as the case may be, so as to make the record correspond with the

report made by the investigators and to correct the registration record to the date of the report. No change shall be made until after notice has been mailed by the board of registration commissioners to the person affected, at the address appearing upon the registration record on file in the office of the board, stating that it is the intention of the board of registration commissioners to change, transfer or cancel his registration unless protest is filed within five days in the office of the board of registration commissioners. If protest is filed, no such change shall be made until after the protestant has been given a reasonable opportunity to be heard, at which hearing the right of the protestant to vote shall be determined by the board of registration commissioners.

(4) Each investigator provided for in this section shall be paid reasonable compensation by the board, the board to determine the amount.

Section 47. **Purgation for regular election in cities of the first class by house to house canvass.** (1) The board of registration commissioners of each city of the first class shall cause to made a house to house canvass in each precinct of the city in each year, for the purpose of checking the registration records. The canvass shall be made jointly by two investigators in each precinct. One of the investigators in each precinct shall be appointed by the board from a list of three names for that precinct submitted in writing by one of the city executive committees, and one in each precinct from a list of three names for that precinct submitted in writing by the other city executive committee. The lists shall be submitted ten days in advance of the date specified for the commencement of the canvass. If either committee fails to submit a list within that time, the board shall appoint the investigators to represent that party from persons registered as members of that party. The board may remove any investigator and appoint a substitute from the lists submitted, or, in the event no lists have been submitted or all the names have been exhausted, from persons registered as members of the same political party as the investigator who is removed. All appointments from the lists shall be made by the board in the order in which the names appear thereon. The canvass shall be made during the first two weeks of the fifty-nine

day period next preceding the regular election each year. The board shall prepare and furnish each investigator with a list of the names and addresses of the registered voters in the precinct which he is to investigate, arranged in convenient order to facilitate the investigation.

(2) The investigators for each precinct shall make a written report to the board, not later than the last day of the two-week period, giving the names and addresses of all persons registered in the precinct who are legally entitled to vote at the election to be held in that year. When the reports of the investigators in any precinct agree that any person registered in the precinct is not legally entitled to vote at the election to be held in that year, the board shall make such changes, transfers and cancellations in the registration records in its possession as may be necessary to make the records correspond with the reports made by the investigators and to correct the registration records to the date of the report. No such change shall be made until after notice has been mailed to the person affected, at the address appearing upon his registration record on file in the office of the board, stating that it is the intention of the board to change, transfer or cancel his registration unless protest is filed within five days, nor shall any such change be made until after the expiration of the five-day period. If protest is filed, no change shall be made until after the protestant has been given a reasonable opportunity to be heard.

(3) Each investigator provided for in this section shall be paid reasonable compensation by the board, the board to determine the amount.

Section 48. **Purgation for primary or regular election in cities of the first class on application of citizen or party committee.** (1) Any citizen of a city of the first class may challenge the registration of any voter before any primary election. The challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of the challenge, and shall be filed not later than five weeks prior to a primary election at the office of the board of registration commissioners of the city. The board of registration commissioners of the city shall conduct a hearing thereon at such time as they may fix, after

notice has been given by mail requiring the voter to appear within five days from the mailing date and show cause why his name should not be cancelled. Failure to appear shall be prima facie evidence that the voter is improperly registered and his name shall be stricken.

(2) Any citizen of a city of the first class of either city executive committee may challenge the registration of any voter before any regular election. The challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of challenge, and shall be signed by the challenger. The challenge shall be filed not later than five weeks prior to the regular election, at the office of the board of registration commissioners. The board shall conduct a hearing thereon at such time as it may fix, after notice has been served in the manner provided in section 44 of this Act. The board shall investigate each case before a hearing is held.

(3) The failure of any challenged voter to appear, after notice of challenge has been mailed him as provided in this section, shall be prima facie evidence that he is not entitled to be registered, and his registration record shall be cancelled, transferred or suspended as the case may be.

Section 49. **Precinct purgation outside cities of first class.** The county court clerk of each county shall procure a sufficient number of rubber stamps to supply one to each precinct, excepting those precincts within the limits of a city of the first class, such rubber stamps to bear the words "PURGATION RECOMMENDED" in letters one inch high under which shall appear the word "Reason" followed by a blank line, with two blank lines below for the signature of the judges of election.

Section 50. **Purgation recommendation by precinct judges at primary election, outside cities of first class.** It shall be the duty of the judges of election at each primary election in all precincts excepting those precincts within the limits of a city of the first class to recommend purgation of the registration lists by stamping with the rubber stamp provided in section 49 of this Act the registration cards of persons who have since the date of their registration, died, moved from the precinct, or otherwise

become disqualified to vote, upon reasonable proof of such disqualification of any voter. The judges of election shall stamp the registration record of such voter with the stamp provided for in section 49 of this Act, and shall each sign their names on the blank lines below the words "PURGATION RECOMMENDED."

Section 51. **Assistants to precinct judges in purgation.** The judges of election may appoint other persons to assist them in performing their duties under section 50 of this Act, but the persons so appointed shall serve without compensation.

Section 52. **Purgation by county board, outside cities of first class; notice and hearing.** Within ten days after the primary election day, the county board shall meet at the county court clerk's office for the purpose of passing upon the purgation recommendations made by the precinct judges. The board shall examine purgation recommendations, and determine which of the persons whose purgation was recommended are not legally entitled to be registered. The board shall forthwith mail a notice to each such voter at his address as shown on the registration records, notifying him that his registration will be cancelled unless he appears before the board within five days and shows cause why his name should not be stricken. If the voter appears and desires to be heard, the board shall hear him and determine whether or not his name should be purged. If the board determines that the name should be purged, it shall enter the word "Purged," and the date, upon the registration record of such person, and the chairman and one other member of the opposite political party of the board shall sign their names immediately below the word "Purged." The county court clerk shall thereupon remove the registration records of such persons from the registration books, and place them in the "Cancelled Registration File." If the board determines that any name recommended for purgation by the precinct judges should not be purged, it shall enter the words "Purgation Refused," and the date, upon the registration record of such person, and the chairman and one other member of the opposite political party of the board shall sign their names immediately below the words "Purgation Refused." If any voter to whom notice is mailed as provided in this section fails to appear within five days, the board may thereupon purge his name without further notice or hearing.

Section 53. **Written notices.** (1) All written notices affecting the registration of a voter required, by this Act, to be sent by mail shall be sent first-class with the name and address of the sender shown on the upper lefthand corner of the envelope, with the following notation thereunder: "If undeliverable at address shown, return to sender immediately." When the mail notice has been returned, as provided herein, the county or city board, or whoever is requested to send out the notice, shall prepare a list of said addressees with their addresses, and submit same to the postmaster at whose office the voter has designated on his registration card as his P. O. address, and request that said list be corrected as to addresses. When said list is returned to the board, or whoever is the sender of the notice, it shall immediately get out another notice exactly like the first one and send it to the new address indicated on the corrected list returned by the postmaster, and shall enclose therein a form affidavit requesting a sworn statement as to when the addressee moved to the new address. If the affidavit is returned and shows that the addressee moved to the new address prior to the fifty-nine day period, then the registration card shall be placed by the board in the proper precinct and the registrant shall be eligible to vote at the coming primary or general election. If the affidavit shows that the addressee moved subsequent to the qualifying period, then the registration card shall be placed in the suspended file and the registrant shall not be entitled to vote in the coming primary or general election as the case may be, but shall be eligible to vote at the next primary or general election when he satisfies all the requirements of a voter imposed by law. If the list returned by the postmaster, does not show a forwarding address, or if the registrant fails to reply to the second notice or return the required affidavit, then the registrant's card shall be marked "Cancelled."

(2) All written notices required of the county board by this Act shall be sent out over the name of the chairman of the board.

Section 54. **No purging to be done later than twenty days before election.** No decision of any purgation officer, county board of registration and purgation, or board of registration commissioners of a city of the first class, affecting the right of a voter

to vote in any primary, regular or special election, or removing, transferring, cancelling or suspending his registration, shall be rendered by such purgation officer or board later than twenty days before any election.

Section 55. **Appeals from decisions of purgation officers or boards.** Any person whose right to vote has been denied or whose name has been stricken from the registration lists or registration books, or who is otherwise aggrieved by any act in respect to his registration, by the county board of registration and purgation, or by the board of registration commissioners of a city of the first class, and any person or party executive committee that has challenged the registration of any voter and is aggrieved by any act of the board of registration commissioners of a city of the first class or the county board of registration and purgation, may appeal from said boards. In the case of voters in cities of the first class, the appeal shall be taken to any judge of the circuit court of the county in which the city is located. In the case of other voters, the appeal shall be taken to the county judge or to a judge of the circuit court of the county. The appeal shall be taken by presenting to the judge a written statement of the act of the board complained of, and the grounds of the complaint, or the statement shall be made on printed forms furnished by the board. Before the appeal is taken, written notice shall have been given to the board complained of, stating the time and place at which and the name of the judge before whom the appeal will be presented, and the grounds therefor, so as to give the board a reasonable opportunity to be present at such time and place.

(2) The appeals provided for by this section shall be perfected not less than five days prior to any primary, regular or special election, and if not perfected within that time no county or circuit judge shall have jurisdiction to hear the appeal. There shall be no court costs taxed on appeals.

(3) The judge to whom the appeal is taken shall, at the time fixed in the notice of appeal or at a subsequent time fixed by him, summarily decide the question presented and endorse on the statement of complaint an order disposing of it. The action of the judge shall be final, and upon return of the statement of

complaint, with the order of the judge endorsed thereon, to the county clerk or to the office of the board of registration commissioners, the clerk or board shall correct its record in accordance with the order.

Section 56. **Suspended lists.** If the county board of registration and purgation of any county or the board of registration commissioners of any city of the first class finds that there are names of voters upon the registration lists or registration books who are properly and legally registered but who are not entitled to vote in the next primary, regular or special election, they shall not cancel the registration but shall cause the registration authorities to remove the registration cards or names of such voters from the registration lists or registration books so that the names shall not be sent to the precincts on election day for the coming election in which such voters are not qualified to participate. The registration officers shall place the registration cards in some secure place to be held and identified as suspended lists of registered voters, and the names of such voters shall not be replaced in the registration lists or registration books until such time as they are eligible to vote. Such voters shall not be required to re-register.

Section 57. **Record of canceled registrations.** The county clerk and the city registration board shall preserve, for not less than two years, all canceled registration cards. They shall be preserved in a separate file, arranged in alphabetical order for the entire county or city, as the case may be, according to the last name of the registrant. The file shall be designated the "Cancelled Registration File." When a registration record is cancelled, the original record and the copy thereof shall be marked "Cancelled" in large letters in ink, and there shall also be noted thereon in ink the date and reason for the cancellation. The registration board for cities of the first class shall, on the first day of each week, transmit one of its copies of each registration record cancelled during the preceding week to each of the city executive committees.

Section 58. **Grand jury investigation.** It shall be the duty of the first grand jury which convenes in each calendar year to make an investigation of the registration records of each county

and seek to determine whether or not the board, the county clerk and the employes of the board have carried out the provisions of this Act, and make a report thereon.

Section 59. **Fees of county clerk in connection with purgation.** The county clerk is entitled, for all services with relation to the purging of the registration outside cities of the first class, to a fee of 10 cents for each name ordered off or canceled, as provided in section 45 of this Act, to be paid by the county.

Section 60. **Old boards continued until successors appointed.** (1) Each county board of registration and purgation appointed under the provisions of KRS 117.390 shall continue in existence and to discharge its duties until the appointment and qualification of a new county board under the provisions of this Act.

(2) Each board of registration commissioners of a city of the first class appointed under the provisions of KRS 117.180 shall continue in existence and to discharge its duties until the appointment and qualification of a new board under the provisions of this Act.

(3) All records, files and other property belonging to boards appointed under the provisions of KRS 117.390 or 117.180 shall be turned over to the new boards appointed under the provisions of this Act, and the new boards shall be the successors, in all respects, of the boards which they replace.

Section 61. All persons who have been registered under the laws applicable prior to the effective date of this Act, shall remain legally registered unless their names have been removed according to law.

Section 62. **Penalties.** (1) Any person who willfully fails to perform any of his duties as set forth in section 4, subsection (2) of section 7, subsection (2) of section 26, sections 33 to 44, 46, subsection (1) of section 48, section 54 of section 56 of this Act, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(2) Any registrar, deputy registrar, inspector of registration, or other state, county or city officer or employe who will-

fully fails to perform his duties as set forth in sections 16 to 31, 45, 47, subsection (2) of section 48, section 55 or section 57 of this Act, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(3) Any member of the county board of registration and purgation who refuses to comply with the provisions of sections 41 or 42 of this Act, shall be fined by the circuit court not less than fifty dollars and not more than one hundred dollars for each offense, and each day of refusal to serve and carry out the duties as prescribed by law shall constitute a separate offense.

Section 63. Chapter 117 of the Kentucky Revised Statutes is repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Owen Billington	Thomas L. Britton
Everett J. Bach	Wm. W. Blanton	Mrs. Mary E. Burnete
Sidney Baer	J. C. Bradley	Alex H. Calvert
John Rhea Banton	Edw. T. Breathitt	Lewis W. Combest
Clarence J. Barnum	Edward O. Bridgers	Marvin A. Cornett

Josh R. Cosby	Ewin C. Neville	Joe Rouse
Charles M. Crowe	Bart N. Peak	Carl J. Ruh
C. E. Dowell	Louis T. Peniston	Cecil Sanders
James A. Dressman, Jr.	Tipton Reed	Clem Schroader
Thomas R. Duncan	William M. Horn	Gus F. Sheehan, Jr.
Jack Early	Paul S. Jonas	Dr. B. F. Shields
Harold Edwards	William L. Jones	E. A. Spencer
William Engle	Jennings Kearby	Mrs. Thelma Stovall
Herbert Fern	Jesse H. Lawrence	William F. Threlkeld
Wm. P. Friedlander	Paul M. Lewis	Marion Vance
Chas. M. Greene	Mrs. J. T. Linton	Eulick (Mike) Walsh
Eugene B. Hancock	Harry K. Lowman	Wm. Thos. Wathen
John Head	William Maglinger	W. W. Webster
Farmer Helton	Shelby McCallum	Morris Weintraub
William K. Henry	G. Lee McClain	Hicks Wells
Thomas D. Hewlett	Tom Mobley	William B. Wells
Henry R. Heyburn	Robert H. Moore	W. A. (Pete) Wickliffe
Ray Holbrook	Fred H. Morgan	Walker H. Wiseman
Chester J. Holsclaw	Earl F. Murphy	Garrett L. Withers
Thomas J. Murphy		

—73

Those who voted in the negative were—

Bill Adams	James W. Lambert	Earl Rogers
Leslie Gay		

—4

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 98. AN ACT relating to absent voting, amending sections 126.160, 126.170 and subsection (3) of section 126.270 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

126.160 *Form of application for ballot; affidavit.* Applications for absent voter's ballots shall be signed and sworn to by the absent voted before the county clerk, or before a civil officer authorized by law to administer an oath. The application shall be substantially in the following form:

"County Court Clerk of_____ County, _____ Kentucky.

"I _____ state that I a ma resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of _____ County and have been such for more than six months prior to said date and expect to be absent therefrom in the course of my business or duties at the election to be held on the _____ day of _____, 19____, and will not vote elsewhere at said election, and am a resident of _____ precinct of said county (or _____ ward of the city of _____ county of _____), and have been such for at least sixty days prior to said date; that I reside at _____ _____ (house number and street address, if in city, or county road and nearest neighbor, if in county) that I will be at least twenty-one years of age by the day of the next election, and that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the _____ political party; I request that an official ballot be mailed to me at the following address:

_____
(Name and address)

_____
(Rank and unit if member of Armed Forces)

_____
(Department of United States Government if an employe or the wife of an employe stationed abroad)

_____
(Voter must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this _____ day of _____, 19_____.

_____
(Name and Official Title)"

Section 2. Section 126.170 of the Kentucky Revised Statutes is amended to read as follows:

126.170 *Verification of registration; list of nonregistered applicants; registration of applicants in Armed Forces.* (1) Upon receipt of any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registred, he shall forward a ballot to the voter as provided in KRS 126.190. If the county clerk does not find the applicant to be so registered, and if the application does not indicate that the applicant is a member of the Armed Forces, or if an employe or the wife of an employe of the United States Government stationed abroad, the clerk shall immediately mail a letter to the applicant, at the address stated in the application, advising him that his application cannot be honored because of the fact that he is not registered, and advising him what period of time, if any, remains in which he may register prior to such election, and the clerk shall place the application in a file entitled "Nonregistered Applicants for Absent Voters' Ballots." If the clerk thereafter, and prior to the election, receives notice from the applicant advising the clerk that the applicant has registered, the clerk shall again examine the registration books, and if he finds that the applicant has registered he shall remove the application from the nonregistered applicants' file and forward a ballot as provided in KRS 126.190. Any applications not so removed from the nonregistered applicants' file shall be retained in such file until thirty days after the election, when they shall be burned by the clerk in the presence of the judge and sheriff of the county. If the application of a person found not to be registred indicates that the applicant is a member of the Armed Forces, or an employee or the wife of an

employe of the United States Government stationed abroad, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered in the registration records of the proper precinct, and shall mark upon such registration records the words "Absentee Registration." Such registration may be made at any time prior to the election for which an absent voter's ballot is applied for.

(2) Any person who has been registered under the provisions of subsection (1) of this section shall be required to reregister in person upon his first return to the county of his residence at a time when the books are open.

(3) The oath required of a member of the Armed Forces shall be taken as specified in KRS 384.084 and the oath required of a civilian employe of the United States Government or his wife stationed abroad may be taken by the persons mentioned in KRS 382.150. The seal of such officer must be attached to all oaths required under this section.

Section 3. Subsection (3) of section 126.270 of the Kentucky Revised Statutes is amended to read as follows:

After the absent voters' ballots have been signed and redeposited in a ballot box, as provided in subsection (1), the box shall be thoroughly shaken so as to redistribute the ballots in the box. The board of election commissioners shall then reopen the box and count the ballots and tabulate them separately on sheets to be provided by the county court clerk.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Chas. M. Greene	Thomas J. Murphy
Everett J. Bach	Eugene B. Hancock	Ewin C. Neville
Sidney Baer	John Head	Bart N. Peak
John Rhea Banton	Farmer Helton	Louis T. Peniston
Clarence J. Barnum	William K. Henry	Tipton Reed
Owen Billington	Thomas D. Hewlett	Joe Rouse
Wm. W. Blanton	Henry R. Heyburn	Carl J. Ruh
J. C. Bradley	E. R. Hilton	Cecil Sanders
Edw. T. Breathitt	Ray Holbrook	Clem Schroader
Edward O. Bridgers	Chester J. Holsclaw	Gus F. Sheehan, Jr.
Thomas L. Britton	William M. Horn	Dr. B. F. Shields
Mrs. Mary E. Burnete	Paul S. Jonas	Mrs. Thelma Stovall
Alex H. Calvert	William L. Jones	Albert Thomason
Walter J. Chyle, Jr.	Jennings Kearby	William F. Threlkeld
Lewis W. Combest	Jesse H. Lawrence	Marion Vance
Marvin A. Cornett	Paul M. Lewis	Eulick (Mike) Walsh
Josh R. Cosby	Mrs. J. T. Linton	Wm. Thos. Wathen
Charles M. Crowe	Harry K. Lowman	W. W. Webster
C. E. Dowell	Shelby McCallum	Morris Weintraub
James A. Dressman, Jr.	G. Lee McClain	Hicks Wells
Thomas R. Duncan	Russell L. Meadows	William B. Wells
Jack Early	Tom Mobley	W. A. (Pete) Wickliffe
William Engle	Robert H. Moore	Walker H. Wiseman
Herbert Fern	Fred H. Morgan	Garrett L. Withers
Wm. P. Friedlander	Earl F. Murphy	—74

Those who voted in the negative were—

Bill Adams	James W. Lambert	E. A. Spencer
Leslie Gay	Earl Rogers	—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was

passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills originating in that body as follows, viz:

S. B. No. 12. AN ACT relating to real estate brokers and salesmen.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (4) of Section 324.010 of the Kentucky Revised Statutes is hereby repealed.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof of such qualifications has been presented to the Commission.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

In addition to proof of honesty, truthfulness and good reputation of any applicant for a license, each applicant must pass a written examination conducted by said Commission, or its authorized representative, which examination shall be of scope and wording sufficient in the judgment of the Commission to establish the competency and trustworthiness of the applicant to act as a real estate broker or salesman in such manner as to protect the interests of the public. Provided, however, no examination shall be required for the renewal of any present or future license unless such license has been revoked, suspended, or is allowed to expire without renewal. The Commission shall

hold examinations at such times and places as it may determine, and an examination fee of twenty-five dollars shall be collected from each applicant to defray the expenses of holding such examinations.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

Every real estate broker licensed under this Act shall have and maintain a definite place of business in this state, except as hereinafter provided, and shall erect and maintain a sign in a conspicuous place on the premises at or near the outside entrance to his principal office and all branch offices. The sign shall indicate that he is a real estate broker and his name shall be clearly shown thereon. Such sign shall be written in clear and legible letters of not less than two inches in height and shall be placed so that it can easily be observed and read by anyone entering said place of business. Provided, however, that if the broker is a non-resident, it is not mandatory for him to maintain an active place of business in this state if he maintains such a business place in the state where he is originally licensed.

Section 5. Section 324.060 of the Kentucky Revised Statutes is amended to read as follows:

Every application for a broker's or salesman's license shall be accompanied by a bond in the sum of three thousand dollars. The bond shall be a cash bond or a surety bond and, if the latter, shall be executed by a surety company authorized to do business in this state and shall be made to the Commission, and the bond shall be conditioned that the applicant shall conduct his business in accordance with the provisions of this chapter. The bond shall be in a form approved by the Commission; and, in addition to the foregoing, each and every broker and salesman licensed as of July 1, 1952, and thereafter, shall furnish bond in accordance with the provisions hereof.

Section 6. This Act shall apply only to real estate brokers and real estate salesmen who operate in any city of the first, second or third class, or within five miles from the corporate limits thereof.

Said bill was ordered printed and referred.

S. B. No. 40. AN ACT changing the classification of the city of Jeffersontown, in Jefferson County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Jeffersontown, in Jefferson County, is changed from the sixth class to the fifth class of cities.

Said bill was ordered printed and referred.

S. B. No. 43. AN ACT to amend KRS 74.020 to authorize an increase in the salaries of water district commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 74.020, subsection (4), is hereby repealed, amended and re-enacted so that when re-enacted it shall read as follows:

(4) Each commissioner shall receive an annual salary of not more than $500.00, to be fixed by the county court and paid out of the water district fund. In fixing the salary of the commissioners, the court shall take into consideration the financial condition of the district and its ability to meet its obilgations as they mature.

Said bill was ordered printed and referred.

S. B. No. 68. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every applicant for a certificate or permit, or for amendment, transfer, sale, change in route or abandonment of a

certificate or permit, or for a change in rate, shall apply for same to the department in such form and the application shall contain such matters as the department may prescribe.

(2) For the filing of such application the department shall receive a fee of twenty-five dollars.

Section 2. Subsections (1), (2) and (3) of section 281.655 of the Kentucky Revised Statutes are amended to read as follows:

(1) Before a certificate or any permit will be issued or renewed the applicant must file, or have on file, with the Department of Motor Transportation an approved indemnifying bond or insurance policy, issued by some surety company or other insurance carrier authorized to transact business within the State of Kentucky, which bond or policy shall be issued for such a period of time that its expiration date will be January 1 of the following year, and shall have attached thereto the state insurance endorsement. The bond or insurance must be issued in the name of the applicant, except in case of leased equipment, which may, with the approval of the department, be covered by the insurance of the lessee. In lieu of bond or policy, there may be filed with the department an approved certificate of insurance; provided, however, that the expiration date of January 1 above referred to shall not apply to policies the term of which is continuous and which are to remain in full force until cancelled under proper notice.

(2) All bonds or policies shall specifically state what equipment is covered by the policy. In the event certificate is filed it shall have endorsed thereon a specific description of all equipment covered by the policy. It is further required that any and all changes in the equipment covered by the policy or bond shall be certified to the department at once. The commissioner may authorize the acceptance of a policy that is an overall coverage blanket policy, which does not specifically describe the equipment covered thereby.

(3) The types and minimum amounts of insurance to be carried on each vehicle are as follows:

MOTOR VEHICLES FOR TRANSPORTATION OF PERSONS

Capacity	Death or Injury To Any One Person	Total Liability For Death or Injury to Persons	Property Damage
7 persons or less	$5,000.00	$10,000.00	$1,000.00
8 to 16 inclusive	5,000.00	15,000.00	1,000.00
17 to 25 inclusive	5,000.00	20,000.00	1,000.00
26 or more	5,000.00	25,000.00	1,000.00

MOTOR VEHICLES FOR TRANSPORTATION OF PROPERTY

Gross Weight	Death of or Injury to Any One Person	Total Liability For Death of or Injury to Persons	Property Damage
5,000 lbs. or less	$5,000.00	$10,000.00	$1,000.00
More than 5,000 lbs.	5,000.00	15,000.00	1,000.00

Section 3. Subsection (2) of section 281.725 of the Kentucky Revised Statutes is amended to read as follows:

(2) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof is at least 18 years of age where the vehicle is transporting property, or at least 21 years of age where the vehicle is transporting passengers.

Section 4. Subsections (1) and (2) of section 281.780 of the Kentucky Revised Statutes are amended to read as follows:

(1) An appeal to the Franklin Circuit Court may be taken from any final order of the department by anyone who was a party to the proceedings before it.

(2) In the case of an appeal wherein a certificate or permit has been issued or amended or revoked or suspended or sold or transferred, the certificate or permit or its amendment or its sale and transfer shall remain in force until the final disposition of the appeal, not to exceed a period of 18 months from the date of the order of the department appealed from.

Section 5. Subsection (3) of section 281.825 of the Kentucky Revised Statutes is amended to read as follows,

(3) When any motor vehicle that has been licensed by the department has been destroyed by fire, sold or transferred to any person, or is not to be used further on the highways of this State for hire by the person to whom it was licensed, such person may surrender the tag or certificate of such motor vehicle issued by the department, and upon satisfactory proof to the department that the motor vehicle will not be further used on the highways of this State during the current license period in a for-hire operation by such person, the department shall give credit to such person for the amount of the unearned portion of the tax paid, upon another motor vehicle belonging to such person which is to be put into service in that year. No cash refunds shall be made in any event and no credit shall be given in excess of the fractional year's tax on the new motor vehicle for that year.

Section 6. Subsection (1) of section 281.815 of the Kentucky Revised Statutes is amended to read as follows:

(1) On or before January 1 of each year and as a condition precedent to the use of the highways, every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways an annual tax upon each motor vehicle so used, as follows: Except as provided in subsection (2) of this section, a mileage tax equal to one-thirty-sixth of a cent for each regular seat in the motor vehicle multiplied by the total number of miles traveled over which passengers are transported for hire, and in addition a seat tax equal to $8 for each regular seat for the first sixteen seats, $15 for each regular seat for the next eight seats, and $25 for each regular seat for all remaining seats.

Said bill was ordered printed and referred.

S. B. No. 69. AN ACT relating to reciprocal tax exemptions for non-resident motor carriers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 281.835 of the Kentucky Revised Statutes is amended to read as follows:

To carry out the declaration of policy provided for in K.R.S. 281.590, the department may enter into reciprocity agreements with other states and the District of Columbia whereby motor vehicles, as defined in K.R.S. 281.010, while operating into or through the Commonwealth of Kentucky in interstate commerce and under a certificate or permit or exemption from the Interstate Commerce Commission and properly licensed in another State, shall be exempt from registration fees under K.R.S. Chapter 186 and the weight tax or mileage tax and seat tax under this chapter, provided like or similar privileges are granted motor vehicles, as defined in K.R.S. 281.010, properly licensed in this State.

Said bill was ordered printed and referred.

S. B. No. 70. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.630 of the Kentucky Revised Statutes is amended to read as follows:

(1) A certificate shall be granted to any qualified applicant therefor authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this chapter and the requirements, rules and regulations of the department thereunder, and further, that the existing transportation service is inadequate, and that the proposed service to the extent to be authorized by the certificate is, or will be, required by the present and future public convenience and necessity, and that the proposed operation to the extent authorized by the certificate will be consistent with the public interest and the transportation policy declared in this chapter; otherwise the application shall be denied.

(2) No certificate shall be issued for the operation of an industrial bus, even if public convenience and necessity is shown, unless existing common carriers serving the route, or any part

thereof, or the contiguous territory, shall refuse to furnish the service found to be necessary within thirty days after the hearing.

(3) In granting a certificate, the order, among other things, shall specify the route or routes of service and territory to be served, provided that where the certificate to be granted specifies a route or routes or portion of a route or routes common to a certificate or certificates authorizing the same type of operation held by the applicant, all such certificates shall constitute but a single operating authority over that portion of the route or routes common to the certificates. The order granting a certificate shall not limit the number of vehicles to be operated by the motor carrier except that, in the granting of a certificate for the operation of taxicabs, the order shall specify the maximum number of taxicabs to be operated thereunder.

(4) A carrier shall be entitled to have issued to it by the department as many certificates, and of such types, as will cover its entire authorized operation.

(5) A permit shall be granted to any qualified applicant therefor authorizing in whole or in part the operations covered by the application, if it appears from the application and the hearing held thereon that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of this chapter and the lawful requirements, rules and regulations of the department thereunder, and that the proposed operation to the extent authorized by the permit will be consistent with the public interest and the transportation policy declared in this chapter, and that it will not unreasonably impair the efficient public service of any authorized common carrier then adequately serving the same territory; otherwise such application shall be denied. The department shall specify in the permit the business of the contract carrier covered thereby and the scope thereof, and shall attach to it at the time of issuance, and from time to time thereafter, such reasonable terms, conditions and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out with respect to the operations of such carrier the requirements established by the department.

(6) Amendment or change of route or abandonment of a certificate or permit shall be granted upon the same basis that an original certificate or permit is granted.

(7) Any certificate or permit may be sold, assigned, leased or transferred, after a hearing and notice to interested parties as provided for in K.R.S. 281.625, provided the transferee is fit, willing and able to render the proposed service, unless it would be against the public interest, and provided further that the commissioner may approve the sale and transfer of a certificate for the operation of taxicabs without a hearing if, after due notice of the proposed sale or transfer is given to all interested parties in accordance with the rules and regulations of the department, no protest is filed to the proposed sale or transfer and the commissioner believes that it will be in the public interest.

(8) For the purpose of this section, a transfer of the controlling stock of a corporation owning a certificate or permit may be considered a transfer of said certificate or permit.

(9) Upon the consummation of a merger or consolidation of motor carriers as effected under the provisions of K.R.S. Chapter 271, the surviving or new corporation, as the case may be, shall own and possess all of the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties owned or possessed by each of such motor carriers; and if such merger or consolidation is set aside, the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties acquired by the surviving or new corporation through the merger or consolidation shall become revested in the corporation from which acquired, unless disposed of, subject to such indebtedness and liens as may be equitable, and all other properties of the surviving or new corporation shall become vested in the constituent corporation in such manner as may be fair and equitable.

(10) (a) Notwithstanding the provisions of subsection (4) of this section, where a motor carrier has been granted two or more certificates or permits authorizing the same type of operation over a route or routes or a portion of a route or routes common to two or more of the certificates or permits, the carrier shall be deemed to possess only one operating authority over that portion of the route or routes common to the certificates or permits.

(b) The department is authorized to recall any of the certificates or permits described in paragraph (a) and to reissue one or more certificates covering the exact authority.

Section 2. It is the purpose of Subsections (3) and (10) of Section 1 of this Act to further clarify the provisions of K.R.S 281.630 relating to the application of the administrative and judicial interpretations of the Federal Motor Carrier Act to the administration of Chapter 281 of the Kentucky Revised Statutes.

Said bill was ordered printed and referred.

S. B. No. 85. AN ACT relating to control of Black Shank and other diseases of tobacco and to appropriate money for that purpose.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky Agricultural Experiment Station shall carry on and extend the present program in the field of tobacco breeding, research and education for the control of black shank and other diseases in tobacco. For this purpose there shall be available to the Kentucky Agricultural Experiment Station, such sums as may, from time to time, be appropriated by the General Assembly for the purpose.

Section 2. For the purposes of this act, there is hereby appropriated to the Kentucky Agricultural Experiment Station out of the General Expenditure Fund of the State Treasury, the sum of $60,000 per year for each of the fiscal years 1952-53 and 1953-54; without lapse in the year 1952-53.

Said bill was ordered printed and referred.

S. B. No. 87. AN ACT to amend subsection (c) of Section 3 of Senate Bill No. 1, Passed by the General Assembly of the Commonwealth of Kentucky at its extraordinary session, 1951, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sub-section (c) of Section 3 of Senate Bill No. 1, passed by the General Assembly of the Commonwealth of Kentucky at its extraordinary session, 1951, be amended by repealing said sub-section and re-enacting it to read as follows:

"Such agreement or modification of such agreement shall be effective with respect to services performed after an effective date specified in the agreement or modification thereof, but in no case prior to January 1, 1951, and in no case (other than in the case of an agreement or modification agreed to prior to January 1, 1953) prior to the first day of the calendar in which such agreement or modification, as the case may be, is agreed to by the Federal Security Administrator and the Commonwealth.

"WHEREAS, many cities of the state are compelled by law to adopt their budgets and fix their tax rates before May 1st of every year and some of said cities may want to enter into an agreement or modification with the Commonwealth before that time, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor."

Said bill was ordered printed and referred.

Mr. Dressman moved that Irene Dressman, Mary Sue Dressman and Frances Dressman of Covington, Kentucky, be made Honorary Pages for the General Assembly of the 1952 Session.

Mr. Lowman moved that the House do now adjourn to meet again at 8.00 o'clock p.m., Monday, February 4, 1952.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 4, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, Pastor of the Episcipal Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Chas. M. Greene	Bart N. Peak
Dr. John Adkins, Jr.	Henry C. Hale	Louis T. Peniston
Henry Arrowood	Eugene B. Hancock	Tipton Reed
J. Everett Bach	George F. Harris	J. F. Robinson
Sidney Baer	John Head	Earl Rogers
John Rhea Banton	Farmer Helton	Joe Rouse
Clarence J. Barnum	William K. Henry	Carl J. Ruh
Owen Billington	Thomas D. Hewlett	Amos Runyon
Wm. W. Blanton	Henry R. Heyburn	Cecil Sanders
J. C. Bradley	E. R. Hilton	Clem Schroader
Ed. T. Breathitt	Ray Holbrook	Gus F. Sheehan, Jr.
Edward O. Bridgers	Chester J. Holsclaw	Dr. B. F. Shields
Thomas L. Britton	William M. Horn	E. A. Spencer
Mrs. Mary E. Burnete	Paul S. Jonas	Mrs. Thelma Stovall
Alex H. Calvert	William L. Jones	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Jennings Kearby	Egbert V. Taylor
Lewis W. Combest	James W. Lambert	Albert Thomason
Marvin A. Cornett	Jesse H. Lawrence	William F. Threlkeld
R. Josh Cosby	Paul M. Lewis	J. B. Veech
Charles M. Crowe	Mrs. J. T. Linton	Eulick (Mike) Walsh
J. C. Denney, Jr.	Harry K. Lowman	Wm. Thos. Wathen
C. E. Dowell	William Maglinger	L. M. Weathers
James A. Dressman, Jr.	Shelby McCallum	W. W. Webster
R. L. Dunigan	G. Lee McClain	Hicks Wells
Jack Early	Russell L. Meadows	William B. Wells
Harold Edwards	Tom Mobley	W. A. (Pete) Wickliffe
William Engle	Robert H. Moore	Charles W. Wirsch
Roscoe Estep	Walter R. Moorman	Walker H. Wiseman
Herbert Fern	Fred H. Morgan	Garrett L. Withers
Wm. P. Friedlander	Earl F. Murphy	Charles W. Burnley,
Leslie Gay	Thomas J. Murphy	Speaker
Henry J. Giles	Ewin C. Neville	

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees being as follows: R. O. Blevins, Thomas R.

Duncan, Hobart Rayburn, John A. Sloan, Marion Vance, and Morris Weintraub.

Mr. Sheehan moved that the reading of the Journal of the proceedings of Friday, February 1, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Lowman moved that H. Res. No. 21 be recommitted to Kentucky Statutes No. 2.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and a resolution of the following titles were introduced, viz:

By Mr. Lowman.

H. B. No. 223. AN ACT to further regulate motor trucks, semi-trailer trucks, and trailers, clarifying and enlarging the powers of the Commissioner of Highways and the County Judges relating thereto, and amending KRS 189.280.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 189.280 is hereby amended to read as follows:

(1) KRS 189.221 to 189.230, 189.280 and 189.490 shall not apply to motor trucks, semi-trailer trucks or trailers owned by the United States, the Commonwealth of Kentucky, or any agency of them, any county or city.

(2) If any motor truck, semitrailer truck or trailer is licensed by a city pursuant to KRS 186.270, and the registration plate issued as evidence of the license is conspicuously exhibited on the motor truck, semi-trailer truck or trailer in the manner required by ordinance, or if by reason of KRS 281.570(2) any such motor vehicle is exempt from the imposition of a license tax, KRS 189.221, 189.222, and 189.490 shall not apply thereto, within the limits of the city issuing the license,

or within fifteen miles of the limits of the city, if it is a city of the first, second, third or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, except on such state-maintained highways or portions thereof, including connecting-link streets, as may be designated by the Commissioner of Highways, and on such county highways as may be designated by the County Judge.

(3) Except as provided in KRS 176.046, cities may, by ordinance, provide maximum limits with respect to the weight, height, width, and length of motor trucks, semi-trailer trucks and trailers, within their respective boundaries, not less, however, than the maximum limits prescribed in KRS 189.221 and 189.222, and may authorize the operation of trailers.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 224. AN ACT relating to child labor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 339.230 of the Kentucky Revised Statutes is amended to read as follows: A minor who has passed his fourteenth birthday but is under sixteen years of age may be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except: (1) He may not be employed during regular school hours, unless:

(a) He has been granted a special employment certificate in accordance with the provisions of KRS 339.260, and then only in such occupations as are authorized in accordance with that section; or

(b) The school authorities have made arrangement for him to attend school at other than the regular hours, in which event he may be employed subject to KRS 339.260, during such of the regular school hours as he is not required to be in attendance under the arrangement; or

(c) He has graduated from high school.

(2) He may not be employed:

(a) In, about or in connection with any manufacturing or mechanical establishment.

(b) On or in connection with any power-driven machinery except under school supervision as provided in KRS 339.430.

(c) As a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.

(d) In the manufacture, transportation, or use of explosives or highly inflamable substances; in or about mines or quarries; in any tunnel or excavation; in logging operations or in any sawmill, lathe mill, shingle mill, or cooperage stock mill; as engineers, firemen, brakemen, or switchmen on any railroad; in the operation of motor vehicles; upon any scaffolding or in heavy construction work; in operating steam boilers carrying a pressure of fifteen pounds or more; in operating or assisting in operating elevators, cranes, derricks, or hoists; in operating or assisting in operating any punch presses or stamping machines, metal or paper cutting machines having a guillotine action, metal shears or plate bending machines, machines used for cold rolling of heavy metal stock, wood-working machines, grinding, abrasive or polishing machines, laundry or dry cleaning machines, calendar rolls or mixing rolls in paper or rubber manufacturing, dough breakers or dough mixing machines, or machines used for opening, picking or carding of cotton or wool; in ore reduction works; smelters; hot rolling mills; plant manufacturing iron and steel; foundries; forging shops, and in any other place in which the heating, melting, or heat treatment of metals is carried on; in the manufacture or use of dangerous or poisonous dyes or chemicals and their compounds, or in the manufacture of lead, or in exposure to lead or its compounds; in any occupation involving exposure to radioactive substances; in oiling or cleaning machinery in motion; in stone cutting or polishing; or in assorting, manufacturing or packing tobacco.

(e) In, about or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption or dispensed (except he may be employed in places where the sale

of alcoholic beverages by the package is merely incidental to the main business actually conducted), or in a pool or billiard room.

(f) In any place of employment, or at any occupation, that is hazardous or injurious to the life, health, safety or welfare of such minor.

(g) In a public bowling alley.

(3) A female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the street occupations of peddling or bootblacking or in any other occupation pursued in any street or public place.

Section 2. Section 339.240 of the Kentucky Revised Statutes is amended to read as follows: (1) A minor who has passed his sixteenth birthday but is under eighteen may be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except as provided in subsections (2) and (3) of this section.

(2) A minor of such age may not be employed, permitted or suffered to work in, about or in connection with any of the occupations enumerated or described in paragraph (d), (e) and (f) of subsection (2) of KRS 339.230, except that such a minor who is emploeyd under a written apprenticeship agreement that has been approved by the State Apprenticeship Council may perform work in, about or in connection with such enumerated or described occupations if the work is incidental to the apprentice training, is performed intermittently for short periods of time, and is under the direction and supervision of an instructor as a necessary part of the apprentice training.

(3) A female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the street occupations of peddling or bootblacking or in any other occupation pursued in any street or public place, nor as a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.

Section 3. Section 339.260 of the Kentucky Revised Statutes is amended to read as follows: (1) No minor under

eighteen years of age shall be employed, permitted or suffered to work in any gainful occupation more than six consecutive days in any one week, nor more than eight hours in any one day, nor more than forty hours in any week, except that the six-day limitation shall not apply to employment as a newsboy in the sale or delivery of newspapers.

(2) No minor under sixteen years of age who is attending school and working outside of the hours he is required to be in attendance at school shall be employed, permitted or suffered to work for more than three hours on a school day or more than twenty-three hours during a school week.

(3) No minor of sixteen or seventeen years of age who is attending school in session during the day other than a part-time or continuation school, and working outside of the hours he is required to be in attendance at school, shall be employed, permitted or suffered to work for more than four hours on a school day or more than twenty-eight hours during a school week.

(4) No minor under fifteen years of age shall be employed, permitted or suffered to work in any gainful occupation before seven o'clock in the morning or after six o'clock in the evening of any day; nor shall any minor fifteen years of age be employed, permitted or suffered to work before seven o'clock in the morning or after eight o'clock in the evening of any day; nor shall any minor of sixteen and seventeen years of age be employed, permitted or suffered to work before six o'clock in the morning or after ten o'clock in the evening of any day, provided that minors between sixteen and eighteen years of age may be employed in a concert or theatrical performance up to 11:00 p. m.

Section 4. Section 339.290 of the Kentucky Revised Statutes is amended to read as follows: (1) Employment certificates shall be of three kinds: General employment certificates, vacation employment certificates, and special employment certificates. A general employment certificate shall permit the employment of a minor between sixteen and eighteen, or a minor who has completed high school, during the entire year. A vacation employment certificate shall permit the employment

of a minor between fourteen and sixteen during school vacations or outside the hours the minor is required to be in attendance at school. A special employment certificate shall permit the employment during the entire year of a minor fourteen or fifteen years of age who has been excused from compulsory school attendance under the provisions of paragraph (c) or (d) of subsection (1) of KRS 159.030. A special employment certificate shall be issued to a minor who has been so excused from compulsory attendance, upon compliance with the same requirements as in the case of a general employment certificate, except that a schooling record shall not be required. A special employment certificate shall not authorize the employment of a minor in or in connection with or for a factory.

(2) If on account of mental condition a minor has been exempted from attendance at school or recommended by a state child guidance clinic or other approved examiner to be placed in an institution for retarded children, the certificating officer shall issue an employment certificate to such minor only when satisfied that the work available and the supervision under which it will be performed are such that the job is suitable and safe for said minor to undertake.

Section 5. Section 339.300 of the Kentucky Revised Statutes is amended to read as follows: The employment certificates required by KRS 339.210 to 339.450 shall be issued by the local board of education through its superintendent or other authorized agent, in such form and under such conditions as may be prescribed by the Department of Education; provided, that in any county containing a city of the first or second class, probation officers may issue the special employment certificates provided for in KRS 339.290, in accordance with the regulations prescribed, and upon the forms furnished, under KRS 339.310.

Said bill was ordered printed and referred.

By Mr. Calvert.

H. B. No. 225. AN ACT relating to the State Fair Board, repealing Subsection (2) of Section 247.170 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 247.170 of the Kentucky Revised Statutes is repealed.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 226. AN ACT further empowering the Commissioner of Highways to establish certain highways through fourth, fifth and sixth class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Commissioner of Highways, in his discretion, may route, construct, and maintain highways through any fourth, fifth, or sixth class city, without the agreement of said city, to reach a city of the first or second class within the same county. In such case, the provisions of KRS 177.044 and 177.045 shall not apply, and all streets and parts thereof included in such highways shall become a part of the State maintained road system, and other necessary rights-of-way may be purchased or condemned by the Department of Highways.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 227. AN ACT relating to the Department of Welfare, amending Section 439.100 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 439.100 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Subject to the provisions of this chapter, the department may, with the approval of the Governor, parole any person confined in the penitentiary and permit him to go and remain at large, outside the buildings and enclosures of the penitentiary.

(2) The Commissioner of Welfare shall with the approval of the Governor appoint a Parole Board consisting of seven members. One member shall be appointed as chairman of the Board and serve full time at a salary set by the Commissioner, subject to the provisions of KRS 64.650. Excepting the chairman, each member shall receive compensation at the rate of fifteen dollars for each day that member serves at a meeting of the Board. All members shall receive necessary travel and other expenses in going to, attending and returning from the meeting of the Board. The appointment of members of the Board shall be made without regard to political affiliation.

(3) No meeting of the Board shall be held with less or more than three members attending. The duties and powers of the Board are confined to a review, investigation and examination as necessary to recommending the parole of inmates in the various penitentiaries, and the Board shall recommend in writing directly to the Governor through the Commissioner of Welfare the parole of those inmates in the various penitentiaries whom they deem worthy of parole. The Board shall be attached to the Department of Welfare.

(4) The Director of the Division of Probation and Parole shall be responsible for furnishing information and reports which the Board might require in the performance of its duties.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 228. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 342.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to all other compensation provided in this chapter, the employer shall furnish for the cure and relief from the effects of an injury, such medical, surgical and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding a total expense to the employer of more than twenty-five hundred dollars. If the employer fails to furnish such treatment reasonably, he shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employe in providing such treatments. In an emergency, the employe may call in any available physician or surgeon to administer any first aid reasonably necessary at the expense of the employer within the limits of this section. The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

(2) Where a compensible injury results in the amputation of an arm, hand, leg or foot, or the loss of hearing, or the enucleation of an eye or the loss of natural teeth, the employer shall initially furnish in addition to other medical, surgical and hospital treatment enumerated in subsection (1) of this section, a modern artificial member, and where required, proper braces but the employer's liability for such artificial member or braces shall not, in addition to his liability for medical, surgical and hospital treatment exceed twenty-five hundred dollars.

Section 2. That section 342.070 of the Kentucky Revised Statutes is amended to read as follows:

If death should result within two years from an accident for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employe, reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $300, and shall also pay to or for the following persons compensation as follows:

(1) If there are no dependents there shall be paid, in

addition to the burial expenses and medical expenses, if any, the further sum of $200, payment to be made to the personal representative of the deceased employe.

(2) If there are one or more wholly dependent persons, 65 per cent of the average weekly earnings of the deceased employe, but not to exceed $26 nor less than $7 per week shall be payable, all such payments to be made for the period between the date of death and 400 weeks after the date of accident to the employe, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $9,500.

(3) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employe is proportionate to total dependency, and all such payments to be made for the period between the date of death and 400 weeks after the date of the accident to the deceased employe, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $9,500.

(b) Partial dependency shall be determined by the proportion of the earnings of the employe which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(4) All relations of dependency referred to in this section shall mean dependency existing at the time of the accident to the employe.

(5) If death occurs as a result of the injury after a period of total or partial disability, the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section.

Section 3. That section 342.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following persons shall be presumed to be wholly dependent upon a deceased employe:

(a) A wife upon a husband whom she had not voluntarily abandoned at the time of the accident, or who having been abandoned by her husband has not engaged in such conduct since his abandonment as would at common law constitute grounds justifying the abandonment of such wife by her husband;

(b) A husband incapacitated from wage-earning, upon a wife whom he has not voluntarily abandoned at the time of the accident to the wife; and

(c) A child or children under the age of sixteen years, or over sixteen years if incapacitated from wage-earning, upon the parent with whom such child or children are living or by whom actually supported at the time of the accident.

(2) In all other cases the relation of dependency in whole or in part shall be determined in accordance with the facts of each case existing at the time of the accident.

(3) No person shall be considered a dependent in any degree unless he is living in the household of the employe at the time of the accident, or unless such person bears to the employe the relation of father, mother, husband, or wife, father-in-law or mother-in-law, grandfather or grandmother, child or grandchild, or brother or sister of the whole or half blood."

Section 4. That section 342.095 of Kentucky Revised Statutes is amended to read as follows:

(1) When the injury causes total disability for work, the employer during such disability, except the first seven days thereof, shall pay the employe a weekly compensation equal to 65 per cent of his average weekly earnings, not to exceed $27 nor less than $7 per week, such payments to be made during the period of total disability but not longer than 10 years after the date of the injury nor in any case to exceed a maximum sum of $11,500. If the period of total disability begins after a period of partial disability, the period of partial

disability shall be deducted from the total period of 10 years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $11,500.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes.

(b) The loss of both feet at or above the ankle.

(c) The loss of both hands at or above the wrist.

(d) A similar loss of one hand and one foot.

(e) A similar loss of one hand and one eye.

(f) A similar loss of one foot and one eye.

(g) An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg.

(h) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

Section 5. That section 342.100 of the Kentucky Revised Statutes is amended to read as follows:

In case of an injury resulting in temporary partial disability, the employe shall receive during such disability, except the first seven days thereof, a weekly compensation equal to 65 per cent of the difference between his average weekly earnings before the injury and the average weekly earnings that he earns, or is able to earn, in some suitable employment after the injury and during such disability, not to exceed 450 weeks from the date of injury, nor exceeding the sum of $24 per week nor the maximum sum of $9,500. If partial disability follows a period of total disability, the period of total disability shall be deducted from the maximum period allowed for partial disability.

Section 6. That section 342.105 of the Kentucky Revised Statutes is amended to read as follows:

For injuries enumerated in the following schedule the employe shall receive, in addition to temporary total disability compensation for the period of actual total disability, not exceeding 20 weeks, a weekly compensation equal to 65 per cent of his average weekly earnings, but not less than $7 per week nor exceeding $24 per week for the periods stated thereon:

(1) For the loss of a thumb, 65 per cent of the average weekly wages during 60 weeks.

(2) For the loss of a first finger, commonly called the index finger, 65 per cent of the average weekly wages during 45 weeks.

(3) For the loss of a second finger, 65 per cent of the average weekly wages during 30 weeks.

(4) For the loss of a third finger, 65 per cent of the average weekly wages during 20 weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, 65 per cent of the average weekly wages during 15 weeks.

(6) The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb; the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add 10 weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) or contractures (due to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

(12) For the loss of a hand, 65 per cent of the average weekly wages during 150 weeks.

(13) For the loss of an arm, 65 per cent of the average weekly wages during 200 weeks.

(14) For the loss of one of the toes, other than the great toe, 65 per cent of the average weekly wages during 10 weeks.

(15) For the loss of the great toe, 65 per cent of the average weekly wages during 30 weeks.

(16) The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, 65 per cent of the average weekly wages during 125 weeks.

(19) For the loss of a leg, 65 per cent of the average weekly wages during 200 weeks.

(20) For the total and permanent loss of the sight of an eye, 65 per cent of the average weekly wages during 100 weeks, plus an additional 20 weeks in cases where the eye ball is enucleated.

(21) For the total and permanent loss of hearing in one ear, 65 per cent of the average weekly wages during 75 weeks.

Section 7. That section 342.110 of the Kentucky Revised Statutes is amended to read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, com-

pensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and the age at the time of injury. In no event shall compensation for an injury to a member exceed the amount allowable for the loss of such member. The compensation paid therefor shall be 65 per cent of the average weekly earnings of the employe but not less than $7 nor more than $24, multiplied by the percentage of disability caused by the injury, for such period as the board determines, not exceeding 450 weeks nor a maximum sum of $9,500.00. Compensation payable under this section shall not be affected by the earnings of the employe after the accident, whether they be the same, or greater, or less than prior to the accident. Whenever the weekly payments under this section would be less than $5 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section.

Section 8. That section 342.370 of Kentucky Revised Statutes is hereby repealed.

Section 9. That section 342.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) All taxes and assessments imposed by KRS 342.450 and 342.475 shall be paid into the State Treasury and shall be credited to a maintenance fund for the Board. The maintenance fund shall be used for ordinary recurring expenses of operation and shall be expended in each year by the Board under the supervision of the Commissioner of Industrial Relations and by allotments made by the budgetary officer of the Department of Finance.

(2) The Workmen's Compensation Board may publish for public distribution the proceeding of the Workmen's Compensation Board. The proceeding including Opinions, Orders, and Awards may be published at such itnervals as may be

determined by the Board and approved by the Commissioner. A maximum of 1,000 copies of each volume of said proceeding may be published and distributed and the expenses so incurred paid from the maintenance fund.

(3) Any sum remaining in the maintenance fund to the credit of the Workmen's Compensation Board at the end of any fiscal year shall be set up by the Department of Finance to the credit of the Workmen's Compensation Board for the next ensuing fiscal year.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 229. AN ACT concerning clay mining.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The provisions of Chapters 351 and 352 of the Kentucky Revised Statutes shall govern and be applicable to all clay mining operations in this state.

Section 2. Chapter 354 of the Kentucky Revised Statutes is repealed in its entirety.

Section 3. Whereas, the existing laws of this state regulating the conduct of clay mining operations are deemed insufficient in their purpose of assuring safe working conditions for the persons employed in such mines; and

Whereas, it is deemed expedient that the Department of Mines and Minerals be given, as soon as possible, the authority conferred by this Act to require compliance with the provisions of Chapters 351 and 352 of the Kentucky Revised Statutes in order to assure safe working conditions for the persons employed in such mines;

An emergency is hereby declared to exist, and this Act shall become a law immediately upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 230. AN ACT relating to the use of certain funds for the acquisition of space for the Division of Unemployment Insurance and the Department of Economic Security: Amending KRS 341.245.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That KRS 341.245 be and the same hereby is amended by repealing said section in its entirety and enacting in lieu thereof the following:

"341.245 AUTHORITY TO ACQUIRE OFFICE SPACE. Subject to the provisions of KRS 56.440-56.550, inclusive, the Commissioner is authorized and empowered to use all or any part of the funds accumulated under the provisions of KRS 341.290 and KRS 341.295 for the purpose of acquiring suitable space for either central or district offices of the division and the department by way of purchase, lease, contract, or in any other manner including the right to use said funds or any part thereof to assist in financing the construction of any building erected by the Commonwealth or any of its agencies wherein available space will be provided for the division and the department under lease or contract between the department and the Commonwealth or such other agency whereby said department and division will continue to occupy such space, rent free, after the cost of financing such buildings has been liquidated.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) On or before July 1, 1954, the Superintendent of Public Instruction shall classify the elementary and

secondary school subjects included in the State Courses of Study as prescribed by the State Board of Education under seven subject fields as follows: (a) Language Arts; (b) Social Studies; (c) Science and Health; (d) Mathematics; (e) Fine and Practical Arts; (f) Foreign Languages; (g) Vocational and Business Education. The Superintendent of Public Instruction shall arrange the seven subject fields into four adoption groups. The four adoption groups shall be arranged as nearly equal in number and purchase cost as possible.

(2) The schedule for the periods of adoption shall be as follows:

Adoptions in Group I shall be made in 1955 and the period of adoption shall be for four years.

Adoptions on Group II shall be made in 1955 and the period of adoption shall be for three years.

Adoptions in Group III shall be made in 1955 and the period of adoption shall be for two years.

Adoptions in Group IV shall be made in 1955 and the period of adoption shall be for one year.

Provided, however, in 1955 not more than one-half of the textbooks in use in any subject may be changed with the exception of the subjects in Group I in which all textbooks in use shall be adopted; or

Provided, further, that the State Textbook Commission, by mutual agreement with the textbook publishers now under contract with the State of Kentucky, may extend the present contracts as follows:

Contracts for all or part of the textbooks in use for the subjects in Group IV may be extended for a period of one year.

Contracts for all or part of the textbooks in use for the subjects in Group III may be extended for a period of two years.

Contracts for all or part of the textbooks in use for the subjects in Group II may be extended for a period of three years.

Upon the expiration of the periods of adoption or contract extensions as set in the aforesaid schedule for the periods of adoption and contract extensions in each of the above fields, adoptions shall be made for a period of four years for each adoption group in which textbooks for all the subjects shall be adopted.

Section 2. (1) The State Textbook Commission shall consist of the Superintendent of Public Instruction and eight appointive members. The eight members shall be appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction for terms of four years, excepting the 1954 appointments. Eight members shall be appointed on or before July 1, 1954 for the following terms: two members for terms of one year; two members for terms of two years; two members for terms of three years; and two members for terms of four years. Beginning with 1955 and each year thereafter, upon the expiration of the terms of the appointees, two members shall be appointed for terms of four years. All vacancies that occur on the State Textbook Commission shall be filled in like manner for the remainder of the unexpired terms. Nothing contained herein shall be construed to affect the tenure of office of persons serving on the State Textbook Commission on the effective date of this Act.

(2) The appointive members of the State Textbook Commission shall have had not less than five years teaching or supervising experience in the public schools of Kentucky and must have had at the time of their appointment at least four years of college training in a recognized institution of higher education. Five members of the Commission shall be classroom teachers actively employed in the public schools of Kentucky as teachers in subject field or fields for which the commission will select books. Two members shall be principals, supervisors, or superintendents of public schools or public school systems. One member shall be a member of the faculty of a public institution of higher education engaged in teacher education. In selecting the members of the State Textbook Commission the Superintendent of Public Instruction shall give due regard to representation from rural and urban areas and both elementary and secondary levels when both educational

levels are included in the subject field or fields for which adoptions are to be made.

(3) Members of the State Textbook Commission shall serve without remuneration except reimbursement for their actual expenses while attending Commission meetings.

(4) The meetings of the State Textbook Commission shall be open to the public.

(5) Not later than July 15 each year the Superintendent of Public Instruction shall call the State Textbook Commission into session at the State Capitol. The members of the State Textbook Commission shall elect one of its members as chairman and shall adopt rules and regulations for the procedure of the Commission. The Superintendent of Public Instruction shall be the Secretary of the Commission.

Section 3. (1) The Superintendent of Public Instruction shall prepare minimum manufacturing standards and specifications, construct score cards, and formulate other criteria for use in the selection and adoption of textbooks in Kentucky.

(2) It shall be the duty of the Superintendent of Public Instruction to prepare all necessary forms for use in the selection and adoption of textbooks, such as advertising for textbook bids, forms for bids, bonds and contracts, and other forms.

(3) The State Board of Education upon the recommendation of the Superintendent of Public Instruction shall have authority to prescribe (1) rules and regulations pertaining to all textbook samples for use on the State and local levels; and (2) shall have authority to prescribe rules and regulations relating to the agents and representatives of textbooks as to the number participating and the methods and procedures for use in textbook adoptions on the State and local levels.

(4) The Superintendent of Public Instruction, on or before July 20 prior to any adoption year, shall properly advertise the subjects for which textbook adoptions will be made and notify the different publishers of the same. The publishers, on or before August 20, prior to any adoption year, shall file with the Superintendent of Public Instruction textbook samples,

filing fees, textbook bids and bonds, and other specified information relative to the books that they desire to offer for adoption.

Section 4. Before textbooks offered for adoption and use in public schools of Kentucky may be lawfully approved and listed by the State Textbook Commission or purchased by any board of education, the person, firm or corporation offering the books for adoption and use shall file with the Superintendent of Public Instruction:

(1) Copies of all textbooks that the person, firm or corporation desires to offer for adoption and use, with a sworn statement of the list price, the lowest wholesale price and the lowest exchange price at which each of the books is sold in any adopting unit.

(2) A statement that all the books offered for sale, adoption, use and exchange do comply with the standards and specifications for textbooks designated by the Superintendent of Public Instruction as regards to paper, binding, printing, illustrations, subject matter, and other items included in the standards and specifications.

(3) Copies of any revision or special editions of the textbooks filed, with a statement describing in detail each point of difference from the regular edition filed, and the list price, the lowest wholesale price and the lowest exchange price at which the revision or special edition is sold anywhere in the United States.

(4) A fee of five dollars for each book filed except when a series of books is filed, in which case the fee shall be five dollars for the first book and one dollar for each additional book in the series. The fee provided by this subsection shall be paid at each and every adoption period.

(5) A bond running to the Commonwealth of Kentucky, executed by a surety company authorized to do business in this State, in a sum not less than two thousand dollars nor more than ten thousand dollars, to be determined by the Superintendent of Public Instruction.

Section 5. The bond required by the person, firm or cor-

poration offering the books for adoption shall be so conditioned that:

(1) The person, firm or corporation will furnish any of the books listed in the statement filed for the period of adoption from the date of the bond to any school district in Kentucky, or to any dealer appointed by the district, at the lowest wholesale price contained in the statement, f.o.b. the publisher's nearest shipping point.

(2) The person, firm or corporation will automatically reduce such prices in Kentucky whenever reductions are made anywhere in the United States, so that no such book shall at any time be sold in Kentucky at a higher wholesale price than is received for that book elsewhere in the United States.

(3) If the person, firm or corporation prepared an abridged or special edition of any book that has been listed and sells it elsewhere at a lower wholesale price than the wholesale price set out in the filed statement, the person will file a copy of the special edition with the price thereof in a supplemental statement with the Superintendent of Public Instruction.

(4) All books sold in Kentucky will be identical with the specimen books filed with the Superintendent of Public Instruction as regards size, paper, binding, print, illustrations, subject-matter, and other particulars which may affect the value of the books.

(5) The person, firm, or corporation will not enter into any agreement, understanding or combination to control the price of textbooks or to restrict competition in their sale in Kentucky.

Section 6. The form of the sworn statement and bond required shall be prescribed by the Attorney-General. The bond shall be in force for the adoption period. The person, firm, or corporation may at any time while the bond is in force file a supplemental statement covering additional books or special editions of books previously filed. The supplemental statement shall expire at the date of expiration of the original statement and bond. Prior to the expiration of any statement and bond the person may file a new statement and bond for a

further period of adoption, and if he fails to do so his right to offer textbooks for adoption and use in the public schools of Kentucky shall expire of the date of expiration of the former bond.

Section 7. The superintendent of schools of each school district shall notify the Superintendent of Public Instruction of any violation of any of the conditions in any bond so filed. If the Superintendent of Public Instruction finds that a violation has occurred, he shall instruct the Attorney-General to bring suit on the bond. Any sum recovered in such suit shall be paid into the State Treasury.

Section 8. (1) The State Textbook Commission shall, not later than October 1 prior to any adoption year, select, approve, and publish a list of ten books in each subject and grade, taking into account the needs of the various types of school organizations. Not more than two books for any subject and grade so listed shall be from the same person, firm, or corporation. If less than ten books in any subject and grade are offered, the Commission may list fewer than ten, but in that event it shall not list more than one book for the same subject and grade from the same person, firm, or corporation. The list shall be certified and presented to the Superintendent of Public Instruction on or before October 10 following the selection.

(2) The State Textbook Commission shall have the authority to reject any book which contains subversive material or information that is offered for listing or adoption. If the Commission finds on the multiple list any book which contains subversive material or information, provided the publisher of such book has been given written notice by the Secretary of the Commission not less than thirty (30) days prior to the meeting, the Textbook Commission shall have authority to remove the book from the state multiple list. The State Textbook Commission shall have the authority to add books to the state list when the number of books on the list is less than ten per subject and grade or when the list does not contain books for subjects added to the State Courses of Study.

(3) The Superintendent of Public Instruction shall make and execute contracts for the selected books with the publishers

within fifteen days of the approval of the books selected by the Commission. Except for the adoptions in 1955 described heretofore in this Act, all contracts shall run for four years.

(4) The State Textbook Commission, during the interval from April 15 to April 25 inclusive, shall designate one book on the State multiple list for each subject and grade for use in the school district or districts that decline or fail to make textbook adoptions on or before April 1.

(5) The Superintendent of Public Instruction shall prepare a list of the adopted books and publish same and send a copy to the superintendents of each county and independent school district in Kentucky on or before October 15 of each adoption year.

Section 9. (1) Textbook publishers, upon the request of the superintendents of the county and independent school districts, shall furnish to the local boards of education the requested sample copies of their books that were selected and placed on the State multiple list of textbooks by the Textbook Commission. The textbook publishers shall ship and bill these copies to the local boards of education at the lowest wholesale price with shipping charges prepaid. After the school districts have made their textbook adoptions and certified them to the Superintendent of Public Instruction, all sample copies of books shall be returned to the publishers from whom obtained by May 1, shipping charges to be paid by the publishers. On the other hand, the local boards of education may retain the books but shall pay the publishers the lowest wholesale price for them.

(2) The board of education of each county and independent school district shall upon the recommendation of its superintendent and not later than April 1 of any adoption year select from the State multiple list one book for each subject and grade to be used as a basal text, in its school system for a period of four years.

(3) County and/or independent school district or districts, however, may decline to make textbook adoptions. Such a school district or districts that decline or fail to make textbook adoptions on or before April 1 shall use the books on the State

multiple list designated by the State Textbook Commission for each subject and grade for the adoption period.

(4) After the local board of education has adopted the basal textbooks for use of the district and not later than April 15, the superintendent of schools shall send to the Superintendent of Public Instruction a complete list of books adopted properly certified by the Chairman and Secretary of the Board of Education.

Section 10. No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and listed on the State multiple list of textbooks by the State Textbook Commission. Any changes of textbooks made by the State Textbook Commission shall not become effective until grades and classes of the respective county and independent school districts have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

Section 11. Each board of education may appoint one or more dealers to act as official retail agents for the sale of books for use in the school district, or any school unit may purchase and distribute books to its own patrons. Persons whose books have been adopted under these provisions shall furnish the books, either through the official retail agents or through respective boards of education, at the lowest wholesale price and the lowest exchange price listed with the Superintendent of Public Instruction f.o.b. the publisher's nearest shipping point. Each official retail agent shall give a reasonable bond, if required, to the persons who have contracts to furnish adopted texts. All orders given by the retail agent or board of education shall be promptly filled. The official retail agent shall sell the books at not more than twenty per cent in excess of the listed wholesale price. Where old books, displaced by new adoption, are offered by pupils in xchange for the corresponding new books, the new books shall be offered at a price not more than twenty per cent in excess of the listed exchange price. If any agent violates the requirements of this section, or fails to give reasonable bond requested by any person who has a

contract to furnish adopted texts, the board of education that appointed the agent may, by giving notice prior to May 1 in any year, revoke the appointment on July 1 of that year. When an agent's permit is revoked or terminated, all textbooks as per inventory of the agent must be paid for at wholesale price by the person from whom the textbooks were purchased, if the textbooks are of the lawful adoption.

Section 12. When a pupil removes from any school district, the board of education of the district, shall, if requested, purchase from the pupil the textbooks in actual use by him at the time. The price shall be based upon the condition of the books. The books may be sold by the board of education, or furnished to indigent children in the district.

Section 13. No superintendent, teacher or other official or employee of any institution supported wholly or in part by public funds shall act, either directly or indirectly, as agent for any person whose school textbooks are filed with the Superintendent of Public Instruction.

Section 14. No person shall secure or attempt to secure the adoption of any school textbook in any school district in this State by rewarding or promising to reward, directly or indirectly, any person in any public school in the State. No person shall offer or give any emolument to any person in any school district for any vote or promise to vote, or the use of his influence, for any school textbook to be used in this State.

Section 15. Sample books submitted to the State Textbook Commission for examination shall remain the property of the person submitting them if claimed within thirty days after adoption. If not claimed within that period they shall be sold by the State Board of Education.

Section 16. (1) Any witness who fails, without legal excuse, to attend or to testify, when required by the Superintendent of Public Instruction under these provisions, shall be fined not more than twenty-five dollars for each offense.

(2) Any person who violates any of the provisions of this Act shall be fined not more than five hundred dollars or imprisoned not more than three months, or both.

Section 17. Section 156.260 to 156.380 inclusive, and Section 156.990 of the Kentucky Revised Statutes are hereby repealed.

Ordered that said bills be printed and referred.

By Mr. Ruh.

H. B. No. 232. AN ACT relating to radio transmitters and receivers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The provisions of KRS 432.570 shall not be construed to prohibit amateur radio operators duly licensed by the Federal Communications Commission from possessing and operating either stationary or mobile radio transmitters or receivers.

Said bill was ordered printed and referred.

By Mr. Holbrook and Hale.

H. B. No. 233. AN ACT concerning teachers' retirement.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.600 of the Kentucky Revised Statutes is amended to read as follows:

Any member who has attained the age of sixty years and who has completed twenty years of service as a teacher in Kentucky, five years of which have immediately preceded retirement, and any member who has attained the age of sixty eyars and who has completed such twenty years of service, but who is unable, because of disability, to serve as a teacher for all or part of the five years immediately preceding retirement, may retire upon written application to the board of trustees of the retirement system. The filing of the application shall, unless it is withdrawn, retire the member at the end of the current fiscal year. Any member shall be automatically retired at the end of the fiscal year during which he attains the age of seventy

years. Members who are seventy years of age or older on July 1, 1942, shall be automatically retired on that date.

Said bill was ordered printed and referred.

By Mr. Morgan.

H. B. No. 234. AN ACT to authorize establishment of a merit system for certain county employes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Employe means any person employed in the conduct of county affairs and whose appointment has been made by the fiscal court, including those holding an administrative or directorial position as head of a department of county government, heretofore or hereafter established, but does not include any person appointed by the county court. Employes are governed by this and all other sections of this Act.

(2) "Board means the Merit System Board.

Section 2. (1) Any county may by resolution, create a merit system board, classify employes of the county, and designate the classes of employes to come under the terms of this Act.

(2) The board shall consist of three persons appointed by the fiscal court. The original members shall be appointed one for a term of one year, one for a term of two years, and one for a term of three years. Thereafter, the term of the members shall be for three years and until their successors are appointed and qualify. Vacancies shall be filled by appointment for the unexpired term. The member originally appointed for three years shall be chairman, and on the expiration of his term, the board shall choose one of its members as chairman. The salary of the members may be fixed by the fiscal court.

(3) Not more than two members shall be adherents of the same political party. No person shall be appointed a mem-

ber who is under thirty years of age or related by blood or marriage to the county judge or to any member of the fiscal court.

Section 3. The board shall promulgate and enforce rules consistent with this Act and the resolutions of the fiscal court to carry out the provisions of this Act and the resolutions of the fiscal court. All rules so promulgated shall be subject to the approval of the fiscal court.

Section 4. The number, classifications and salaries of county employes shall be fixed, from time to time, by resolution of the fiscal court.

Section 5. No person shall be eligible for classified county employment unless he is:

(1) At least twenty-one years of age and under sixty years of age;

(2) A registered voter in the county;

(3) Known to be a person of sobriety and integrity;

(4) A law-abiding citizen; and

(5) Able to read, write and understand the English language.

Section 6. (1) The board shall examine all applicants for classified county employment within the classes designated by the fiscal court as to their physical and mental qualifications for the class of employment applied for. The examination shall include such subjects as the board prescribes and as are commensurate with the various positions to be filled. Separate examination shall be held for each class of position.

(2) Examinations shall be held at such times and places as the board deems proper. Notice containing the pertinent details shall be given at least ten days in advance of each examination by publication in the newspaper having the largest bona fide circulation in the county.

(3) The applicants shall be ranked and graded according to the results of the examination. Any applicant who served in the Army or Navy of the United States in time of war

and who was honorably discharged shall be entitled to a five percent increase in his examination grade.

(4) As soon after each examination as is practicable the board shall certify and deliver to each member of the fiscal court, a list of the applicants so examined, ranked and graded according to the result of the examination in the order of the grades, with the highest grade first.

Section 7. (1) The fiscal court shall appoint all county employes within the designated classes, from the lists certified to them by the board. Appointments to the various positions shall be made by the selection of one of the three holding the highest grades in the examination for that position.

(2) Whenever a reduction in employes is required because of a shortage of funds or work, or the abolition of a position or other material change in duties or organization, employes shall be laid off in inverse order of length of service.

If an abolished office or position be re-created or reestablished within five years, then any person who was deprived of his office or position shall be restored to the office or position he formerly held or occupied if he shall elect to do so, and it shall further be the duty of the fiscal court to advise said person at his last known address and to advertise at least once in the official newspaper or, if there be none, in any newspaper of general circulation in the county, that said office or position has been re-created or re-established.

(3) If there are any urgent reasons for filling a vacancy in a classified position and the board is unable to certify a list of as many as three persons eligible for appointment after a competitive examination, the fiscal court may nominate a person to the board for noncompetitive examination, and if the nominee is certified by the board as qualified after the examination, he may be appointed provisionally to fill the vacancy until a regular appointment can be made from an eligible list prepared by the board after a competitive examination, which list shall be prepared within ninety days thereafter.

(4) In an emergency, an appointment may be made by the Fiscal Court without regard to the rules of this Act, but

not to continue longer than sixty days, and in no case shall successive appointments be made. Temporary appointments made necessary by disability of regular employes shall continue only during the period of disability.

(5) Whenever, from any cause, there shall be a vacancy in any of the classified services, the employes in said classification ranking next highest in seniority, if he choses, shall succeeed to and fill said vacancy, unless same charges made by the fiscal court that said employe is not qualified to fill said vacancy, and after notice and upon trial to determine his qualifications in the same manner as is required for the dismissal, suspension or reduction in grade of an employe, it be established by the fiscal court that said employe has not the necessary qualifications to enable him to discharge the duties of the office or position in which the said vacancy occures. In case of a vacancy in a classified position where peculiar qualifications such as those of a managerial, professional or educational character are required, and upon satisfactory evidence that for specified reasons competition in such a case is impracticable and the position can best be filled by a person of high and recognized attainment in such qualities, the board may dispense with competition.

(6) Where there is important and urgent need for temporary service in a classified position for a period not to exceed sixty days, the fiscal court may select for the temporary service any person on the list of those eligible for permanent employment in that class. Successive temporary appointments shall not be made to the same position. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the list for permanent employment, and the period of temporary service shall not be counted as part of the probationary service in case of subsequent appointment to a permanent position.

(7) No person shall be certified by the board from an eligible list more than four times to the same fiscal court for permanent employment for the same or a similar position.

Section 8. Employees who at the time the provisions of this Act are adopted by any county have been in the employ of the county for one year immediately prior to such adoption

shall be deemed to have tenure status in the position held by them without examination.

Section 9. (1) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment because of his political or religious opinions or affiliations.

(2) No person in the classified service shall directly or indirectly use or seek to use in his official authority or influence to control or modify the political action of any person, or during the hours of duty, engage in any form of political activity. No employe shall receive or solicit any money or valuable thing from any employe in the classified service for any political party or purpose. Nothing in this section, however, shall be construed to prohibit any employe of the county from taking a legitimate part in and interest as a citizen in his government.

Section 10. (1) No classified employe, after serving a probationary period of six months, shall be removed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude or of any rule adopted by the fiscal court or the board, and then only in the manner hereinafter provided.

(2) Any person may prefer written charges against any employe by filing them with the clerk of the fiscal court. The charges must be signed by the person making them and must set out with clearness and distinctness each separate charge.

(3) When probable cause appears, the fiscal court or any member shall prefer charges against any employe whom they believe guilty of any conduct justifying his removal in the interest of public order.

(4) Where the fiscal court has probable cause to believe that any employe has been guilty of conduct justifying punishment, it shall immediately suspend the employe from duty or from both duty and pay pending trial, and the employe shall not be placed on duty or allowed pay thereafter until the charges are heard by the fiscal court. Acquittal of the charge shall entitle the accused to full pay for the time lost.

Section 11. (1) Upon the filing of charges, the clerk of the fiscal court shall without delay notify the members thereof and they shall fix a time and place for hearing the charges. The clerk shall give the accused employe at least three days' notice of the hearing by serving a copy of the charges on him, together with a statement of the time and place of hearing. The employe may waive service of the charges and demand hearing within three days after they have been filed with the clerk.

(2) The hearing shall be confined to the issues presented by the written charges.

(3) The fiscal court may compel the attendance of witnesses by subpoenas issued by the clerk, served as other subpoenas, and shall have the power of a justice of the peace to punish for content. The accused employe is entitled to have witnesses subpoenaed in his behalf, upon furnishing their names to the clerk.

Section 12. (1) The action and decision of the fiscal court on the charges shall be reduced to writing and recorded in a book to be kept for the purpose, and the written charges shall be preserved and securely attached to the book.

(2) The fiscal court may punish any employe found guilty of a charge under this Act by reprimand, by suspension for a length of time not to exceed six months, by reducing his grade, or by combining two or more of such punishments, or by removing or dismissing him.

Section 13. (1) If an employe is punished by suspension for more than thirty days, by reduction in grade or by removal or dismissal, he may appeal to the circuit court of the county. The enforcement of the judgment of the fiscal court shall not be suspended pending the appeal.

(2) Upon the written request of the employe and payment of the cost, thereof, the clerk of the fiscal court shall file in the circuit court a certified copy of the charges and the finding or judgment of the fiscal court, whereupon the case shall be docketed and tried de novo. If the clerk fails to file the transcript within five days after request is made, the employee may file an affidavit in the circuit court setting out as fully as

possible the charges made and the judgment, with a statement of fact that the demand had been made for a transcript more than five days prior thereto. Upon the filing of the affidavit, the cause shall be docketed and the circuit court may issue mandatory order to compel the filing of the transcript by the clerk and punish him for contempt for failure to do so.

(3) The appeal shall have precedence over other business and be taken up and determined speedily.

(4) If the original punishment fixed by the fiscal court was removal or dismissal of the employee, he may appeal from the circuit court to the Court of Appeals as in other cases.

Said bill was ordered printed and referred.

By Mr. Morgan and McCallum.

H. B. No. 235. AN ACT relating to trade practices, amending subsection (1) of Section 365.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 365.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 365.040, no person engaged in business within this state shall sell, offer for sale or advertise for sale any article or product, or service or output of a service trade, at less than the cost thereof to such vendor, or give, offer to give or advertise the intent to give away any article or product, or service or output of a service trade, fo rthe purpose of injuring competitors and destroying competition. Evidence of advertisement, as offer to sell, or sale of any article or product, or service or output of a service trade, at less than cost (as defined in this section) shall be prima facie evidence of intent to injure competitors and to destroy competition.

Said bill was ordered printed and referred.

By Mr. Sheehan.

H. B. No. 236. AN ACT concerning divorce.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of Section 403.020 of the Kentucky Revised Statutes is amended to read as follows:

A divorce may be granted to the wife, if she is not in like fault, for the following causes:

(a) Confirmed habit of drunkenness of not less than one year's duration, accompanied by a wasting of the husband's estate and without any suitable provision for the maintenance of the wife or children;

(c) Such cruel beating or injury, or attempt at injury, of the wife as indicates an outrageous temper in the husband, or probable danger to her life, or to great bodily injury, from her remaining with him.

Section 2. Subsection (4) of Section 403.020 of the Kentucky Revised Statutes is amended to read as follows:

A divorce may be granted to the husband for the following causes:

(a) Where the wife is pregnant by another man without the husband's knowledge at the time of marriage;

(b) When not in like fault, habitual drunkenness on the part of the wife of not less than one year's duration;

(c) Adultery by the wife, or such lewd, lascivious behavior on her part as proves her to be unchaste, without actual proof of an act of adultery;

(e) Such cruel beating or injury, or attempt at injury, of the husband as indicates an outrageous temper in the wife, or probable danger to his life, or great bodily injury from his remaining with her.

Said bill was ordered printed and referred.

By Mr. Kearby.

H. B. No. 237. AN ACT relating to collection of taxes in fifth-class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The chief of police of each city of the fifth class shall collect all taxes in his hands for collection by the city council, except license taxes and taxes paid by banks, trust companies, building associations and other corporations, which shall be paid directly to the city treasurer.

(2) The city council of each city of the fifth class may appoint a city tax collector, who shall perform the duties pertaining to the collection of taxes set out in subsection (1) of this section and in subsection (1) of KRS 92.640. The collector shall give bond in a sum fixed by the city council.

(3) If the city council so desires, and as an alternative to appointing a tax collector, it may place the tax bills, except those for taxes required to be paid directly to the city treasurer under subsection 1, in the hands of the sheriff for collection. In that case the sheriff shall collect the taxes upon receiving the advice of the city council that the taxes have been levied and the amount to collect. The sheriff shall collect the taxes at the same time, and shall have the same powers, as in the collections of state and county taxes.

Section 2. Subsection (2) of section 92.640 of the Kentucky Revised Statutes is amended to read as follows:

(2) When the sheriff is designated to collect the taxes of any city of the fifth or sixth class, he shall make a settlement on or before the tenth day of each month, with the city treasurer, for the taxes so collected.

Said bill was ordered printed and referred.

By Mr. Thomason, Holbrook and Meadows.

H. B. No. 238. AN ACT relating to permenent waves, with particular reference to the sale of devices and materials used in the application of home permanent wave.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. No person shall sell, offer for sale or advertise for sale in this state any device or material intended to be used or represented as being capable of being used for the purpose of applying a permanent wave by the purchaser in her own home or by any person other than a qualified beauty specialist.

2. Any person who violates Section 1 of this Act shall be fined not less than $100 nor more than $500.

Said bill was ordered printed and referred.

By Mr. Peak.

H. B. No. 239. AN ACT relating to planning and zoning in cities of the second class and in counties containing such cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 100.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city of the second class and the county containing such city shall have a joint planning and zoning commission with authority to regulate the physical development of the incorporated and unincorporated areas within their respective jurisdictions.

(2) The fiscal court of the county is authorized to exempt from the authority of the commission such portions of the county outside the municipal limits as it deems advisable, and in the event any such territory is so exempted, the provisions of KRS 100.320 to 100.490 shall apply only to that portion not so exempted.

Section 2. A new section of the Kentucky Revised Statutes, to be numbered 100.325, is created to read as follows:

Any other incorporated municipality located in such county may avail itself of the benefits of KRS 100.320 to 100.490 at any time with the consent of such county and such city of the second class. Thereafter such other incorporated municipality, and the territory within its boundaries, shall be subject to the provisions of KRS 100.320 to 100.490.

Section 3. Section 100.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission may make and adopt plans and maps, including major street plans, of the whole or any portion of the city of the second class and of the county containing such city, and it may make changes in the plans or maps when it deems it advisable.

(2) In the maps or plans the commission may provide among other things for changed regulations of all facilities for traffic, transportation or communication and for new or changed harbors, streets, street fixtures, bridges, subways, parks, playgrounds or any other public grounds or public structures or public improvements or appurtenances, and for the general location and extent of public utilities and terminals whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power or other purposes, and for the removal, relocation, widening, narrowing, abandonment or extension of any public ways or works of structures with a view to the systematic planning of the city and county.

(3) The commission may make and adopt plans for the control, development and preservation of historical landmarks, for the design and location of statuary and other works of art which are or may become property of the city or the county, and may make recommendations to any public authorities or to any persons in the city or county concerning the location of any building, structures or works to be constructed by them.

(4) The commission may lay off and establish in the city and county zones or districts of such number, shape and area as the commission believes are best to carry out the purposes of

KRS 100.320 to 100.490, and from time to time change zones or districts as to area or boundary or location. The zones or districts shall be designated by maps or plans as well as by boundaries, and the boundaries may be expressed in general descriptive terms. The commission may make or adopt maps or plans showing the zones or districts, or changes, with appropriate designations and may prescribe and enforce regulations and restrictions on the construction, alteration, repair or use of buildings, structures or land, including the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

(5) All regulations and restrictions shall be uniform for each class or kind of buildings throughout each zone or district, but the regulations or restrictions in one zone or district, may differ from those in other zones or districts.

(6) The commission may enter upon lands and make examinations and surveys for the purpose of exercising its powers.

(7) The commission may make, print and publish and distribute generally copies of any plan, map, report or recommendation made by it.

Section 4. Section 100.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) All plats of the subdivision of lands within the city, or county, and all instruments of dedication of land for public use, shall be submitted to the commission and approved by it in writing before they are offered for record or accepted by the city, or by the county. The approval of the commission shall not be deemed the city's, or county's, acceptance of the dedication of any street or other public ground shown on the plat or set forth in the instrument.

(2) No street or other public ground shall be accepted by the city, or by the county, as a public street or ground, unless the plat and location have been approved by the commission.

But the legislative body of the city, or the fiscal court of the county, may submit to the commission an ordinance proposing to accept the dedication of any unapproved street or ground, and if approved by the commission, the city, or county, may accept the dedication by a majority vote of its legislative body, or fiscal court, or, if disapproved by the commission, the dedication may be accepted by a vote of not less than two-thirds of the legislative body, or the fiscal court.

(3) All plans, maps, regulations, and restrictions adopted by the commission shall be made in accordance with a comprehensive design to promote the public health, safety, morals or general welfare, by lessening congestion in the streets or by securing safety from fire, panic or other dangers, or by providing adequate light and air, or by preventing overcrowding of land, or by avoiding the undue concentration of population, or by facilitating the adequate provision of transportation, water, sewerage, schools, parks, playgrounds or other public requirements. All regulations and restrictions shall be made with reasonable consideration of the character of each zone or district affected, and its peculiar suitability for particular uses.

Section 5. A new section of the Kentucky Revised Statutes, to be numbered 100.365, is created to read as follows:

(1) No person or his agent shall subdivide any land, except for agricultural purposes as hereinafter defined, before securing the approval of the planning and zoning commission, in the manner prescribed in KRS 100.360, of a plat designating the areas to be sold.

(2) No applicant subdivider owning land composing a subdivision, nor his agent, shall transfer or sell or agree to sell any lot or parcel of land located within such subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has been approved as provided in KRS 100.360. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but any and all rights of such purchaser to damages, if any, are hereby preserved.

(3) The description of such lot or parcel by metes and

bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt such owner or agent from the penalties provided for in subsection (3) of KRS 100.990, or deprive the purchaser of any rights or remedies he may otherwise have.

(4) For the purpose of this section the subdivision of land for agricultural purposes shall mean bona fide divisions of land for agricultural purposes in parcels of ten acres or more, not involving any new public street.

Section 6. Section 100.370 of the Kentucky Revised Statutes is amended to read as follows:

The commission may employ and discharge city and regional planners, landscape and other architects, engineers, draftsmen, clerks and other subordinates and obtain other professional service necessary for the performance of its functions.

Section 7. Section 100.390 of the Kentucky Revised Statutes is amended to read as follows:

Before the commission finally establishes any zone or district in the city or county, or makes, adopts, establishes or changes any plans or maps with reference to the zones or districts, it shall first embody its conclusions in a preliminary report, and give public notice thereof by not less than three insertions in some newspaper of general circulation in the city and county, fixing the time and place where objections to the preliminary report will be heard and considered by the commission. The commission shall hold a meeting at the fixed time and place to consider and act upon the preliminary report, and any objections thereto. At this meeting, or any subsequent meeting, the commission shall make up its final report, and an accompanying map or plan, embodying the result of its judgment upon the preliminary report and objections thereto.

Section 8. Section 100.420 of the Kentucky Revised Statutes is amended to read as follows:

Any regulations, restrictions or boundaries established by the commission may from time to time be amended or repealed.

But no change shall be made in opposition to a written protest signed b ythe owners of twenty percent or more, either in number of lots or in area, of lots including in the change, or within two hundred feet of any lot affected by the change, unless the change is adopted by the unanimous vote of the commission, and the ordiance approving the change is approved by a vote of at least three-fourths of the members of the legislative body, or of the members of the fiscal court, depending upon the location of the lots affected. No protest shall be considered from any owner, the use of whose property is either of a similar type or a type allowable only in less restricted districts.

Section 9. Section 100.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each city of the second class, and the county containing such city, shall have a board of adjustment, consisting of five members. Four members of the board of adjustment shall be appointed by the mayor, each for a term of four years, except that, in case of those first appointed, two members shall be appointed for a term of two years, and two members shall be appointed for a term of four years. The remaining member of the board of adjustment shall be appointed for a term of four years by the fiscal court. All members of the board of adjustment shall serve without compensation.

(2) Any member of the board may be removed by the appointing authority for cause, on written charges after public hearing. Vacancies shall be filled by the appointing authority for the unexpired term.

Section 10. Section 100.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of adjustment shall fix a reasonable time for the hearing of any application for special exception, or for the hearing of an appeal. It shall give public notice thereof by three insertions in some daily newspaper of general circulation in said city of the second class, and the county containing such city, the first of which insertions shall be published ten days prior to the day fixed for the hearing. Upon the hearing, any party may appear in person or by agent or by attorney, and the

board shall decide the application or appeal within a reasonable time.

(2) An appeal from a ruling of an administrative officer shall be taken within the time provided by the rules of the board, by filing with the officer from whom the appeal is taken, and with the board of adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(3) An appeal stays all proceedings in furtherance of the action appealed from, unless, on one day's notice given to the party appealing, the officer from whom the appeal is taken certifies to the board of adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings may be stayed only by order of the board on application to it, and due cause shown, after notice to the officer from whom the appeal is taken, or by judicial proceedings.

Section 11. Section 100.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) All final orders or findings of the board of adjustment shall be conclusive as to all questions of fact, where there is substantial evidence to support the order or finding, but any property owner or tenant, or city or county officer, department, board or bureau, affected by such finding or final order may, within twenty days after the rendition of the official order, appeal by petition to the circuit court of the county in which the city is located for a review of the order of the board. The petition shall state fully the grounds upon which a review is sought, and shall be verified by the petitioner, who shall furnish copies of the petition to the adverse parties at the time of filing it.

(2) Summons shall issue upon the petition, directing the adverse parties to file answer within twenty days after the service of the petition and directing the board of adjustment to certify its complete record of the case to the court, or, if the parties consent, an abstract of the record.

Section 11. A new section of the Kentucky Revised Statutes, to be numbered 100.425, is created to read as follows:

The planning and zoning commission of a city of the second class and the county containing such city shall have the same authority to reserve land for future acquisition for public streets and recreation areas as is given to the planning commission of third, fourth, fifth and sixth class cities by KRS 100.790 to 100.830 for streets, and the same procedure for reservation, acquisition and payment provided by those sections shall be applicable, except that where the land is outside the city limits of the second class city, the county and the fiscal court, and not the city and the city legislative body, shall be the entities to which the provisions of KRS 100.790 to 100.830 refer when reference is made to the city and the legislative body.

Said bill was ordered printed and referred.

By Mr. Adams.

H. B. No. 240. AN ACT relating to state support of education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (7) of section 157.051 of the Kentucky Revised Statutes is amended to read as follows:

(7) As used in KRS 157.051 to 157.055:

"Tax effort index" means the result obtained when a school district's assessment ratio is multiplied by such school district's tax rate and the product thereof is divided by a mathematical constant. The mathematical constant for the school year beginning on July 1, 1952, shall be 1.5 times the state average assessment ratio as determined by the Department of Revenue. A tax effort index of greater than *one* shall be considered as *one.*

Section 2. Subsection (3) of section 157.053 of the Kentucky Revised Statutes is amended to read as follows:

(3) Each school district levying the maximum tax rate authorized by the General Assembly shall be alloted such part of the equalization Fund as may be determined by multiplying the district's tax effort index by the district's maximum equalization allotment, provided, that a district which maintains an assessment ration less than the state average assessment, and levies the maximum tax rate authorized by the General Assembly, shall receive: Not less than 95 percent of the district's maximum equalization allotment for the school year beginning July 1, 1952; not less than 90 percent for the school year beginning July 1, 1953; not less than 80 percent for the school year beginning July 1, 1954; not less than 70 percent for the school year beginning July 1, 1955; not less than 50 percent for the school year beginning July 1, 1956; and, not less than 25 percent for the school year beginning July 1, 1957, and thereafter, no school district shall receive any distribution from the equalization fund unless it has a tax effort index of *one* for the year of distribution.

Said bill was ordered printed and referred.

By Mr. Adams.

H. B. No. 241. AN ACT relating to corporation and utility taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 136.230 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 136.240 to 136.260, unless the context otherwise requires:

(1) "Gross receipts" means the amount received in money, credits, property, or other money's worth in any form. If the business is conducted on credit the consideration shall be deemed to be gross receipts when payment is made in cash, property, or other money's worth in any form.

(2) "Taxpayer" includes all persons required to make reports and pay the tax imposed by KRS 136.240 to 136.260.

(3) "Sale" includes the transfer of services for valuable consideration as well as similar transfers of property.

(4) "Gas" means the substance commercially known as "illuminating gas."

(5) "Liquefied Petroleum Gas" means and includes any material which is composed predominantly of any of the following hydrocarbons or mixture of them, whether in the liquid or in the gaseous state: propane, propylene, butane (normal butane or isobutane) and butelene.

Section 2. Subsection (1) of Section 136.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the exceptions contained in subsection (2) of this section, and except as provided in KRS 279.200, an excise tax is hereby imposed on the sale of electric current, water, artificial, natural or mixed gas, liquefied petroleum gas for non-highway uses, and on furnishing the ways or means for the transmission of the voice or of messages between persons in this state, other than those transmitted by United States Mail, equal to three percent of the aggregate gross receipts of the persons engaged in such businesses. Every such person shall collect the tax from the purchaser and account to the state for the tax in the manner provided by KRS 136.250.

Said bill was ordered printed and referred.

By Mr. Hale, and Stumbo.

H. B. No. 242. AN ACT relating to district detectives.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(2) In counties containing a city of the second class the Commonwealth's attorney shall, and in counties not containing a city of the second class but containing a population of 40,000 or more persons may, if the fiscal court of such county concurs therein, appoint a district detective having a term of four years

subject to removal at any time by the Commonwealth's attorney. In counties containing a city of the second class, the district detective shall, and in counties not containing a city of the second class but containing a population of 40,000 or more may, receive an annual salary of not less than $1,800, nor more than $3,600, to be paid out of the county levy in equal monthly installments.

Said bill was ordered printed and referred.

By Mr. McCallum.

H. B. No. 243. AN ACT providing a per diem for justices of the peace for service on county road committees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In counties where the fiscal court controls and supervises the county roads through a committee of its members, the justices of the peace serving on that committee shall be paid out of the county treasury thirty-five dolalrs each per calendar month, provided, however, that no justice of the peace shall receive anything unless he actually does road work at least seven days during the month.

Said bill was ordered printed and referred.

By Mr. McCallum.

H. B. No. 244. AN ACT relating to state employes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any state employe involuntarily inducted or recalled to service in the Armed Forces of the United States shall, upon his discharge and if he desres, be offered state employment of a nature and pay scale substantially similar to that which he formerly occupied.

Said bill was ordered printed and referred.

By Mr. Arrowood.

H. Res. No. 24. A JOINT RESOLUTION authorizing Alvin Adkins of Paintsville, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Alvin Adkins, of Paintsville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Johnson County Circuit Court for damages for personal injuries arising out of and in the course of his employment as an employe of the Commonwealth, for which damages the Commonwealth is morally responsible. Said suit shall be for a sum not in excess of five thousand dollars.

The Attorney General may investigate the claim and may settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

The General Assembly hereby recognizes the moral responsibility of the Commonwealth for damages for the injuries of said Alvin Adkins, and in any suit that may be filed under authority of this resolution the jury shall have authority only to fix the amount of such damages.

Said resolution was ordered printed and refererd to the Committee on Claims.

COMMITTEE REPORTS

Mrs. Mary E. Burnett, Chairman of the Committee on Appropriations, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 61. AN ACT relating to the establishment of a

Kentucky Legislative Crime Investigating Committee, providing for the membership of such members, vacancies, tenure of office, powers and duties, providing for members compensation and expenses and for the expenses necessary for the functioning of the committee, and appropriating the funds therefor and providing for the enforcement thereof.

With the expression of opinion that same should not pass.

So said bill was rejected.

Mr. Sidney Baer, Chairman of the Committee on Criminal Law, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 82. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

CALENDAR

The House took up for consideration from the Calendar, House Bills of the following titles, viz:

Mr. Lowman moved that the constitutional provision as to the second reading at length of said bills be dispensed with, and said bills be read for the second time by their title only.

Said motion was agreed to.

H. B. No. 148. AN ACT concerning promotion of agriculture and horticulture.

H. B. No. 119. AN ACT relating to salaries of mayors and commissioners.

H. B. No. 127. AN ACT concerning waterworks in cities other than first class.

H. B. No. 153. AN ACT relating to the establishment of a new city in Campbell County, Kentucky, to embrace certain

existing cities and unincorporated territory adjacent thereto, and including provisions concerning an independent district to be embraced within such new city.

H. B. No. 164. AN ACT relating to places of entertainment.

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

H. B. No. 138. AN ACT concerning apiaries.

H. B. No. 150. AN ACT concerning the definition of "Filled Mild."

H. B. No. 143. AN ACT relating to the Department of Agriculture, Labor and Statistics.

H. B. No. 149. AN ACT to amend Section 247.250, 247.280, 247.330, 247.340, 247.350, 247.370, of the Kentucky Revised Statutes relating to county farm bureaus and a state federation of county farm bureaus.

H. B. No. 37. AN ACT relating to jury service.

H. B. No. 15. AN ACT changing the classification of the city of Worthington, in Greenup County.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 99. AN ACT relating to support of children, amending Section 405.020 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 405.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The father and mother shall have the joint custody, nurture and education of their minor children. If either of the parents dies, the survivor, if suited to the trust, shall have the

custody, nurture and education of the minor children. The father shall be primarily liable for the nurture and education of his minor children.

(2) The father and mother shall have the joint custody, care and support of their adult children who are wholly dependent because of permanent physical or mental disability. If either of the parents dies, the survivor, if suited to the trust, shall have the custody, care and support of such children. The father shall be primarily liable for the custody, care and support of wholly dependent adult children.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Owen Billington	Walter J. Chyle, Jr.
Dr. John Adkins, Jr.	J. C. Bradley	Lewis W. Combest
Henry Arrowood	Ed. T. Breathitt	Marvin A. Cornett
J. Everett Bach	Edward O. Bridgers	R. Josh Cosby
Sidney Baer	Thomas L. Britton	Charles M. Crowe
John Rhea Banton	Mrs. Mary E. Burnete	J. C. Denney, Jr.
Clarence J. Barnum	Alex H. Calvert	C. E. Dowell

James A. Dressman, Jr.	William L. Jones	Carl J. Ruh
Thomas R. Duncan	Jennings Kearby	Amos Runyon
R. L. Dunigan	James W. Lambert	Cecil Sanders
Jack Early	Jesse H. Lawrence	Clem Schroader
Harold Edwards	Paul M. Lewis	Gus F. Sheehan, Jr.
William Engle	Mrs. J. T. Linton	Dr. B. F. Shields
Roscoe Estep	Harry K. Lowman	E. A. Spencer
Herbert Fern	William Maglinger	Mrs. Thelma Stovall
Wm. P. Friedlander	Shelby McCallum	E. H. (Ted) Stumbo
Leslie Gay	G. Lee McClain	Egbert V. Taylor
Henry J. Giles	Russell L. Meadows	Albert Thomason
Chas. M. Greene	Robert H. Moore	William F. Threlkeld
Eugene B. Hancock	Walter R. Moorman	J. B. Veech
George F. Harris	Fred H. Morgan	Eulick (Mike) Walsh
John Head	Earl F. Murphy	Wm. Thos. Wathen
Farmer Helton	Thomas J. Murphy	L. M. Weathers
William K. Henry	Ewin C. Neville	W. W. Webster
Thomas D. Hewlett	Bart N. Peak	Hicks Wells
Henry R. Heyburn	Louis T. Peniston	William B. Wells
E. R. Hilton	Tipton Reed	W. A. (Pete) Wickliffe
Ray Holbrook	J. F. Robinson	Charles W. Wirsch
Chester J. Holsclaw	Earl Rogers	Walker H. Wiseman
William M. Horn	Joe Rouse	Garrett L. Withers
Paul S. Jonas		—90

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill of the following title, viz:

H. B. No. 24. AN ACT relating to State aid for district tuberculosis sanatoria, amending section 215.320 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 215.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every tuberculosis sanatorium district within the provision of KRS 215.080 to 215.350, and every tuberculosis sanatorium district established under the provisions of Chapter III of the Acts of 1912 or Chapter 65 of the Acts of 1918, and amendments thereof, shall be entitled to receive from funds appropriated for that purpose on the first day of January, April, July and October of each year, two (2) dollars per day through June 30, 1954, and three (3) dollars per day thereafter, for each free tuberculosis patient treated and cared for in the sanatorium during the three calendar months next preceding those quarterly dates.

(2) Upon the district complying with the provisions of KRS 215.080 to 215.350, the Department of Finance shall draw its warrant upon the State Treasurer in favor of the district board of trustees for such sum.

This Act shall become effective July 1, 1952.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Henry Arrowood	John Head	Bart N. Peak
J. Everett Bach	William K. Henry	Louis T. Peniston
Sidney Baer	Thomas D. Hewlett	Tipton Reed
John Rhea Banton	E. R. Hilton	J. F. Robinson
Clarence J. Barnum	Ray Holbrook	Earl Rogers
Owen Billington	Chester J. Holsclaw	Carl J. Ruh
Ed. T. Breathitt	William M. Horn	Amos Runyon
Edward O. Bridgers	Paul S. Jonas	Cecil Sanders
Mrs. Mary E. Burnete	Jennings Kearby	Gus F. Sheehan, Jr.
Alex H. Calvert	Jesse H. Lawrence	Dr. B. F. Shields
Walter J. Chyle, Jr.	Paul M. Lewis	Mrs. Thelma Stovall
Lewis W. Combest	Mrs. J. T. Linton	E. H. (Ted) Stumbo
Marvin A. Cornett	Harry K. Lowman	Egbert V. Taylor
R. Josh Cosby	William Maglinger	Albert Thomason
Charles M. Crowe	Shelby McCallum	William F. Threlkeld
J. C. Denney, Jr.	G. Lee McClain	J. B. Veech
C. E. Dowell	Russell L. Meadows	Eulick (Mike) Walsh
James A. Dressman, Jr.	Tom Mobley	Wm. Thos. Wathen
Harold Edwards	Robert H. Moore	L. M. Weathers
William Engle	Walter R. Moorman	Hicks Wells
Herbert Fern	Fred H. Morgan	William B. Wells
Wm. P. Friedlander	Earl F. Murphy	W. A. (Pete) Wickliffe
Eugene B. Hancock	Thomas J. Murphy	Charles W. Wirsch
George F. Harris	Ewin C. Neville	Walker H. Wiseman

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Those who voted in the negative were—

Dr. John Adkins, Jr.	Jack Early	Henry R. Heyburn
Thomas L. Britton	Roscoe Estep	
R. L. Dunigan	Leslie Gay	—7

Resolved that the title thereof be as aforesaid.

Mr. Ruh moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Holbrook moved that the rules of the House be suspended for the purpose of making a motion.

Said motion was disagreed to.

The House took up for consideration from the Orders of the Day, a bill of the following title, viz:

H. B. No. 100. AN ACT relating to the Department of Welfare, including smoking regulations in the Penal Institutions and Houses of Reform.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Not withstanding the provisions of KRS 438.020 to 438.040 the Commissioner of Welfare is authorized to permit or prohibit the practice of smoking by the inmates of the Penal Institutions and Houses of Reform, regardless of the age of the inmates, whenever he believes such regulation will enhance or improve the discipline of the inmates of these institutions.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Henry C. Hale	Louis T. Peniston
Henry Arrowood	Eugene B. Hancock	Tipton Reed
J. Everett Bach	George F. Harris	Earl Rogers
Sidney Baer	John Head	Joe Rouse
John Rhea Banton	Farmer Helton	Carl J. Ruh
Clarence J. Barnum	William K. Henry	Amos Runyon
Wm. W. Blanton	Thomas D. Hewlett	Cecil Sanders
J. C. Bradley	E. R. Hilton	Clem Schroader
Ed. T. Breathitt	Ray Holbrook	Gus F. Sheehan, Jr.
Thomas L. Britton	Chester J. Holsclaw	Dr. B. F. Shields
Mrs. Mary E. Burnete	William M. Horn	John A. Sloan
Alex H. Calvert	Paul S. Jonas	Mrs. Thelma Stovall
Lewis W. Combest	William L. Jones	E. H. (Ted) Stumbo
Marvin A. Cornett	Jennings Kearby	Egbert V. Taylor
R. Josh Cosby	James W. Lambert	Albert Thomason
Charles M. Crowe	Jesse H. Lawrence	William F. Threlkeld
J. C. Denney, Jr.	Paul M. Lewis	J. B. Veech
C. E. Dowell	Mrs. J. T. Linton	Eulick (Mike) Walsh
James A. Dressman, Jr.	Harry K. Lowman	Wm. Thos. Wathen
R. L. Dunigan	William Maglinger	L. M. Weathers
Jack Early	Shelby McCallum	W. W. Webster
Harold Edwards	Tom Mobley	Hicks Wells
William Engle	Robert H. Moore	William B. Wells
Roscoe Estep	Fred H. Morgan	W. A. (Pete) Wickliffe
Herbert Fern	Earl F. Murphy	Charles W. Wirsch
Wm. P. Friedlander	Thomas J. Murphy	Walker H. Wiseman
Leslie Gay	Ewin C. Neville	
Chas. M. Greene	Bart N. Peak	—82

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 70. AN ACT relating to fertilizer.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 250.370 of the Kentucky Revised Statutes is amended to read as follows:

Every quantity of commercial fertilizer in any shape or form whatever, sold, offered or exposed for sale in this state, shall be labeled in a conspicuous place on the container or, if sold in bulk, accompanied by a written or printed statement as required by KRS 250.400.

Section 2. Section 250.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) The information required by KRS 250.400 to be attached to container or accompany the selling or offering or exposing for sale of commercial fertilizers in this state shall be accepted as the guarantee of the manufacturer, dealer or agent that the fertilizer contains the kinds and amounts of essential ingredients printed on the label.

(2) No person shall fraudulently misrepresent any of the information required by KRS 250.400 to accompany every sale, offer or exposure for sale of commercial fertilizer.

(3) Any person who violates any of the provisions of subsection (2) shall, in adidtion to the criminal penalty, be liable for reasonable damages sustained by the purchaser of the fertilizer.

(4) A deficiency of one-fourth of one percent in any of the essential ingredients shall not be considered evidence of fraudulent intent.

Section 3. Section 250.390 of the Kentucky Revised Statutes is amended to read as follows:

In each year, before any person shall sell, offer or expose for sale in this state any commercial fertilizer, he shall furnish to the director an affidavit, in such form and manner as the director prescribes, stating the name and address of the manufacturer, the name of the fertilizer, the number of net pounds

in each container to be used and, in terms approved by the director, the minimum percentage of the essential ingredients guaranteed.

Section 4. Section 250.400 of the Kentucky Revised Statutes is amended to read as follows:

The director, upon receipt of the affidavit provided for in KRS 250.390, shall give the registrar permission to sell said fertilizer in the State of Kentucky, provided that the manufacturer either attach a label to each container, or print directly on the container the information required in KRS 250.390, or, in the case of bulk fertilizer, deliever to the purchaser a written or printed statement setting out the total weight and the information required by KRS 250.390.

Section 5. Section 250.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) A fee of fifty cents shall be paid to the Kentucky Agricultural Experiment Station for each ton of commercial fertilizer sold in this state or brought into this state for consumption herein for agricultural purposes. This fee shall be paid only once on each ton of fertilizer and the manufacturer, dealer or agent introducing the fertilizer into the state shall be primarily liable therefor, however, any seller of the fertilizer may be required to pay the fee in the event it has not been collected theretofor.

(2) For the purpose of collecting the fee provided herein, every manufacturer or dealer primarily liable for the fee shall file, in such form as the director prescribes, a monthly, quarterly or semi-annual report, stating the number of net tons of commercial fertilizer introduced into the state during the period covered. The manufacturer or dealer shall have the option of reporting on a monthly, quarterly or semi-annual basis. Reports shall be filed by and the inspection fee due and payable on the tenth of the month following the period covered. Companies reporting on the quarterly basis shall file their reports by the tenth of April, July, October and January. Companies reporting on a semi-annual basis shall file their reports by the tenth of July and January. The director is authorized to verify in such manner as he deems advisable the records upon which such reports are founded.

Section 6. Section 250.420 of the Kentucky Revised Statutes is amended to read as follows:

If the director believes that any fertilizer offered for sale is of no practical manurial value he shall refuse registration.

Mr. Calvert moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Lewis W. Combest	Leslie Gay
Henry Arrowood	Marvin A. Cornett	Henry J. Giles
J. Everett Bach	R. Josh Cosby	Chas. M. Greene
Sidney Baer	Charles M. Crowe	Henry C. Hale
John Rhea Banton	J. C. Denney, Jr.	Eugene B. Hancock
Clarence J. Barnum	C. E. Dowell	George F. Harris
Owen Billington	James A. Dressman, Jr.	John Head
Wm. W. Blanton	R. L. Dunigan	Farmer Helton
J. C. Bradley	Jack Early	William K. Henry
Ed. T. Breathitt	Harold Edwards	Thomas D. Hewlett
Thomas L. Britton	William Engle	Henry R. Heyburn
Mrs. Mary E. Burnete	Roscoe Estep	E. R. Hilton
Alex H. Calvert	Herbert Fern	Ray Holbrook
Walter J. Chyle, Jr.	Wm. P. Friedlander	Chester J. Holsclaw

William M. Horn	Ewin C. Neville	Mrs. Thelma Stovall
Paul S. Jonas	Bart N. Peak	E. H. (Ted) Stumbo
William L. Jones	Louis T. Peniston	Egbert V. Taylor
Jennings Kearby	Tipton Reed	Albert Thomason
James W. Lambert	J. F. Robinson	William F. Threlkeld
Jesse H. Lawrence	Earl Rogers	J. B. Veech
Paul M. Lewis	Joe Rouse	Eulick (Mike) Walsh
Mrs. J. T. Linton	Carl J. Ruh	Wm. Thos. Wathen
Harry K. Lowman	Amos Runyon	L. M. Weathers
Shelby McCallum	Cecil Sanders	Hicks Wells
Russell L. Meadows	Clem Schroader	William B. Wells
Tom Mobley	Gus F. Sheehan, Jr.	W.A.(Pete)Wickliffe
Robert H. Moore	Dr. B. F. Shields	Charles W. Wirsch
Walter R. Moorman	John A. Sloan	Walker H. Wiseman
Earl F. Murphy	E. A. Spencer	Garrett L. Withers
Thomas J. Murphy		—88

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 4. AN ACT changing the classification of the City of Elsmere, in Kenton County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Elsmere, in Kenton County, is transferred from the sixth to the fourth class of cities.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Roscoe Estep	Tom Mobley
Dr. John Adkins, Jr.	Herbert Fern	Walter R. Moorman
Henry Arrowood	Wm. P. Friedlander	Fred H. Morgan
J. Everett Bach	Leslie Gay	Earl F. Murphy
Sidney Baer	Chas. M. Greene	Thomas J. Murphy
John Rhea Banton	Henry C. Hale	Ewin C. Neville
Clarence J. Barnum	Eugene B. Hancock	Bart N. Peak
Owen Billington	George F. Harris	Louis T. Peniston
Wm. W. Blanton	Farmer Helton	Tipton Reed
J. C. Bradley	William K. Henry	J. F. Robinson
Ed. T. Breathitt	Thomas D. Hewlett	Earl Rogers
Thomas L. Britton	Henry R. Heyburn	Joe Rouse
Mrs. Mary E. Burnete	Ray Holbrook	Carl J. Ruh
Alex H. Calvert	Chester J. Holsclaw	Amos Runyon
Walter J. Chyle, Jr.	William M. Horn	Cecil Sanders
Marvin A. Cornett	Paul S. Jonas	Clem Schroader
R. Josh Cosby	William L. Jones	Gus F. Sheehan, Jr.
J. C. Denney, Jr.	Jennings Kearby	Dr. B. F. Shields
C. E. Dowell	Jesse H. Lawrence	E. A. Spencer
James A. Dressman, Jr.	Paul M. Lewis	Mrs. Thelma Stovall
R. L. Dunigan	Mrs. J. T. Linton	E. H. (Ted) Stumbo
Jack Early	Shelby McCallum	Egbert V. Taylor
Harold Edwards	G. Lee McClain	Albert Thomason
William Engle	Russell L. Meadows	J. B. Veech

Eulick (Mike) Walsh	Hicks Wells	Charles W. Wirsch
Wm. Thos. Wathen	William B. Wells	Walker H. Wiseman
L. M. Weathers	W.A.(Pete)Wickliffe	Garrett L. Withers

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There voted in the negative—

Henry J. Giles —1

Resolved that the title thereof be as aforesaid.

Mr. Ruh moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 152. AN ACT relating to the ad valorem tax system of the state, counties, cities and other taxing districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

(1) Beginning January 1, 1953 and each year thereafter, the county clerk shall furnish weekly to the county tax commissioner a copy of the registration certificate for each motor vehicle registered. The address including the county in which the owner of the motor vehicle resides shall be shown on the copy of the registration certificate furnished. The county tax commissioner shall forward to the appropriate county tax commissioner all registration certificates showing a county of residence other than his own. If a motor vehicle is registered in the name of a previous owner and then transferred immediately, the county clerk shall forward a copy of the transfer certificate as well as a copy of the registration certificate to the county tax commissioner. The county tax commissioner is authorized to list the motor vehicles listed on the registration certificate on the property tax rolls without notifying the taxpayer.

(2) The registration of a motor vehicle with the county clerk in order to operate it or permit it to be operated upon the highways shall be deemed consent by the registrant thereof for the motor vehicle to be assessed by the county tax commissioner at a valuation determined from a standard manual prescribed by the Department of Revenue for valuing motor vehicles for assessment unless the registrant appears in person before the tax commissioner to assess the vehicle.

(3) The registration of a motor vehicle on or before the date that the registration of such vehicle is required is prima facie evidence of ownership on January 1.

(4) This section does not apply to motor vehicles owned and operated by franchise companies, common carriers or agencies of the state and federal governments.

Mr. Sanders moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Clarence J. Barnum	Ed. T. Breathitt
J. Everett Bach	Owen Billington	Thomas L. Britton
John Rhea Banton	J. C. Bradley	Mrs. Mary E. Burnete

Alex H. Calvert	William K. Henry	Earl Rogers
Walter J. Chyle, Jr.	Thomas D. Hewlett	Joe Rouse
Lewis W. Combest	Henry R. Heyburn	Carl J. Ruh
Marvin A. Cornett	E. R. Hilton	Amos Runyon
R. Josh Cosby	Chester J. Holsclaw	Cecil Sanders
Charles M. Crowe	William M. Horn	Gus F. Sheehan, Jr.
J. C. Denney, Jr.	Paul S. Jonas	Dr. B. F. Shields
C. E. Dowell	William L. Jones	John A. Sloan
James A. Dressman, Jr.	Jennings Kearby	E. A. Spencer
R. L. Dunigan	Paul M. Lewis	E. H. (Ted) Stumbo
Jack Early	Mrs. J. T. Linton	Egbert V. Taylor
Harold Edwards	Harry K. Lowman	Albert Thomason
William Engle	William Maglinger	William F. Threlkeld
Roscoe Estep	Russell L. Meadows	J. B. Veech
Herbert Fern	Tom Mobley	Eulick (Mike) Walsh
Wm. P. Friedlander	Robert H. Moore	Wm. Thos. Wathen
Leslie Gay	Walter R. Moorman	L. M. Weathers
Chas. M. Greene	Fred H. Morgan	Hicks Wells
Henry C. Hale	Earl F. Murphy	William B. Wells
Eugene B. Hancock	Ewin C. Neville	W. A. (Pete) Wickliffe
George F. Harris	Bart N. Peak	Charles W. Wirsch
John Head	Louis T. Peniston	Walker H. Wiseman
Farmer Helton	Tipton Reed	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Sanders moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the consideration of H. B. 142 and H. B. 145 be passed and that they retain their place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 140. AN ACT Relating to Traffic Regulations and Equipment of Vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, while operating a vehicle on a highway, runs against or over, any other person vehicle or personal property, in possession of any other person in such a manner as to injure the other person or damage the property, shall immediately stop and ascertain the extent of the injury or damage and render such assistance as may be needed, including the carrying of the person or occupants of the vehicle to the nearest medical aid, if carrying is requested by the person struck, or by any occupant. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give the occupant of the vehicle, or person struck, if requested, the registration number of the vehicle, if any, and also the names and addresses of the owner, the occupants and operator. The total names need not exceed five in number.

(2) The operator or owner of a vehicle involved in an accident shall forward a written report of the accident to the Department of State Police as provided in Kentucky Revised Statutes Section 187.320. The Department of State Police may also require witnesses of accidents to render reports.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Wm. P. Friedlander	Louis T. Peniston
Dr. John Adkins, Jr.	Henry C. Hale	Tipton Reed
J. Everett Bach	Eugene B. Hancock	Joe Rouse
Sidney Baer	Farmer Helton	Carl J. Ruh
John Rhea Banton	William K. Henry	Amos Runyon
Clarence J. Barnum	Thomas D. Hewlett	Cecil Sanders
Owen Billington	E. R. Hilton	Clem Schroader
Ed. T. Breathitt	Chester J. Holsclaw	Gus F. Sheehan, Jr.
Thomas L. Britton	William M. Horn	Dr. B. F. Shields
Mrs. Mary E. Burnete	Paul S. Jonas	Mrs. Thelma Stovall
Alex H. Calvert	William L. Jones	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Paul M. Lewis	Egbert V. Taylor
Lewis W. Combest	Mrs. J. T. Linton	Albert Thomason
Marvin A. Cornett	Harry K. Lowman	William F. Threlkeld
R. Josh Cosby	Shelby McCallum	J. B. Veech
Charles M. Crowe	G. Lee McClain	Eulick (Mike) Walsh
J. C. Denney, Jr.	Russell L. Meadows	Wm. Thos. Wathen
C. E. Dowell	Tom Mobley	L. M. Weathers
R. L. Dunigan	Robert H. Moore	Hicks Wells
Jack Early	Walter R. Moorman	William B. Wells
Harold Edwards	Fred H. Morgan	W. A. (Pete) Wickliffe
William Engle	Earl F. Murphy	Charles W. Wirsch
Roscoe Estep	Thomas J. Murphy	Walker H. Wiseman
Herbert Fern	Bart N. Peak	Garrett L. Withers

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Those who voted in the negative were—

Wm. W. Blanton	Henry R. Heyburn	Earl Rogers
Leslie Gay	Jennings Kearby	John A. Sloan
Chas. M. Greene	James W. Lambert	E. A. Spencer
George F. Harris	William Maglinger	
John Head	Ewin C. Neville	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the consideration of H. B. No. 63 and H. B. No. 64 be passed and that they retain their place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 8. AN ACT relating to schools.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 158.070 is amended to read as follows:

The minimum school term shall be nine months. The Superintendent of Public Instruction, upon the approval of the State Board of Education, may extend the minimum term to ten months when the resources of the school fund or contributions by local taxation or donations justify the extension, but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its terms beyond the minimum term set by the Superintendent of Public Instruction.

Mr. Runyon offered the following amendment to said bill, viz: Amendment No. 1. Amend printed copy of House Bill No. 8 on page 1, that lines two to eleven, inclusive, be designated as paragraph (1) and paragrah (2) be added to read as follows:

"(2) If extending the term to the minimum provided in paragraph (1) of the Act will reduce the salaries of teachers in districts because of extending the terms of grades which were operated for less than nine months during the school year ending June 30, 1952, boards of education may operate such grades

for less than nine months for such a term as will be approved by the Superintendent of Public Instruction as meeting the requirements of this Act. The reduction provided herein shall apply only to the school years ending June 30, 1953 and June 30, 1954 and may not be for more than twenty school days for either of the school years listed above." And moved its adoption.

Said motion was agreed to.

Said Amendment was adopted.

Mr. Runyon moved the Previous Question.

Whereupon, the Speakerannounced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length the third time.

Mr. Runyon moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Mrs. Mary E. Burnete	Harold Edwards
Henry Arrowood	Alex H. Calvert	William Engle
J. Everett Bach	Lewis W. Combest	Herbert Fern
John Rhea Banton	Marvin A. Cornett	Wm. P. Friedlander
Clarence J. Barnum	R. Josh Cosby	Leslie Gay
Owen Billington	Charles M. Crowe	Henry J. Giles
Wm. W. Blanton	J. C. Denney, Jr.	Chas. M. Greene
J. C. Bradley	C. E. Dowell	Henry C. Hale
Ed. T. Breathitt	R. L. Dunigan	Eugene B. Hancock
Thomas L. Britton	Jack Early	John Head

Farmer Helton	G. Lee McClain	John A. Sloan
William K. Henry	Russell L. Meadows	E. A. Spencer
Thomas D. Hewlett	Tom Mobley	Mrs. Thelma Stovall
Henry R. Heyburn	Robert H. Moore	E. H. (Ted) Stumbo
E. R. Hilton	Walter R. Moorman	Egbert V. Taylor
Ray Holbrook	Earl F. Murphy	William F. Threlkeld
Chester J. Holsclaw	Thomas J. Murphy	J. B. Veech
William M. Horn	Ewin C. Neville	Eulick (Mike) Walsh
Paul S. Jonas	Bart N. Peak	Wm. Thos. Wathen
Jennings Kearby	Louis T. Peniston	L. M. Weathers
Jesse H. Lawrence	Tipton Reed	Hicks Wells
Paul M. Lewis	Earl Rogers	William B. Wells
Mrs. J. T. Linton	Joe Rouse	W.A.(Pete)Wickliffe
Harry K. Lowman	Amos Runyon	Charles W. Wirsch
William Maglinger	Cecil Sanders	Walker H. Wiseman
Shelby McCallum	Dr. B. F. Shields	—77

Those who voted in the negative were—

Bill Adams	James W. Lambert	Garrett L. Withers
Walter J. Chyle, Jr.	Albert Thomason	—5

Resolved that the title thereof be as aforesaid.

Mr. Runyon moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 1. AN ACT relating to bribery of participants in professional or amateur games sports, contests and horse racing.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only.

Thereupon, Mr. Lowman he having voted on the prevailing side moved that the vote by which the last named motion was ordered, be reconsidered and the futher consideration of said bill be passed and that it retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. Res. No. 13. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky, there is set aside out of the appropriation made by Chapter one of the Acts of 1950 for legislative sessions as a contingent fund, the sum of Two Thousand ($2,000.00) Dollars, and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives, of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter One of the Acts of 1950 for legislative sessions as a contingent fund, the sum of Two Thousand ($2,000.00) Dollars. Said respective funds, shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerks of the Senate and of the House of Representatives.

WHEREAS, it is necessary that these contingent funds for the Chief Clerks of the Senate and House of Representatives be immediately available, an emergency is hereby declard to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Jack Early	Jennings Kearby
J. Everett Bach	Harold Edwards	Jesse H. Lawrence
John Rhea Banton	William Engle	Paul M. Lewis
Clarence J. Barnum	Roscoe Estep	Mrs. J. T. Linton
Owen Billington	Herbert Fern	William Maglinger
J. C. Bradley	Wm. P. Friedlander	Shelby McCallum
Ed. T. Breathitt	Henry J. Giles	G. Lee McClain
Thomas L. Britton	Chas. M. Greene	Russell L. Meadows
Mrs. Mary E. Burnete	Henry C. Hale	Tom Mobley
Alex H. Calvert	Eugene B. Hancock	Robert H. Moore
Walter J. Chyle, Jr.	Farmer Helton	Walter R. Moorman
Marvin A. Cornett	William K. Henry	Earl F. Murphy
R. Josh Cosby	Thomas D. Hewlett	Thomas J. Murphy
Charles M. Crowe	Henry R. Heyburn	Ewin C. Neville
J. C. Denney, Jr.	Ray Holbrook	Bart N. Peak
C. E. Dowell	Chester J. Holsclaw	Louis T. Peniston
James A. Dressman, Jr.	William M. Horn	Tipton Reed
R. L. Dunigan	Paul S. Jonas	Earl Rogers

Joe Rouse	E. A. Spencer	L. M. Weathers
Carl J. Ruh	Mrs. Thelma Stovall	Hicks Wells
Amos Runyon	E. H. (Ted) Stumbo	William B. Wells
Cecil Sanders	Egbert V. Taylor	W.A.(Pete)Wickliffe
Clem Schroader	Albert Thomason	Charles W. Wirsch
Gus F: Sheehan, Jr.	Eulick (Mike) Walsh	Walker H. Wiseman
Dr. B. F. Shields	Wm. Thos. Wathen	Garrett L. Withers
John A. Sloan		—76

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. Res. No. 14. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest," and declaring an emergency.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. The Perry Publishing Company is authorized and directed to furnish 200 copies of "The Legislative Digest," each day the House or Senate is in session, for delivery and distribution as provided in Section 2 of this Resolution, for which said company shall be paid the sum of $4,500.00 out of the appropriation for expenses of legislative sessions for the current fiscal year made by Chapter one of the Acts of 1950. The Department of Finance shall issue its warrant for payment of this amount upon receipt of a voucher for the same endorsed and approved by the Speaker of the House of Representatives and the President of the Senate.

2. The distribution of 'The Legislative Digest" shall be as follows:

(a) 110 copies to the Clerk of the House for distribution to the members of the House and to such officers of the House as the Speaker may direct.

(b) 45 copies to the Clerk of the Senate for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct.

(c) 45 copies to the Governor and to such officers and employes of the Commonwealth as the Governor, the President of the Senate and the Speaker of the House may direct.

3. WHEREAS, in order that the functions of the General Assembly may be expedited, it is essential that The Legislative Digest be available to the members during the present session, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Clarence J. Barnum	Ed. T. Breathitt
J. Everett Bach	Owen Billington	Thomas L. Britton
John Rhea Banton	J. C. Bradley	Mrs. Mary E. Burnete

Alex H. Calvert	Ray Holbrook	Carl J. Ruh
Walter J. Chyle, Jr.	Chester J. Holsclaw	Amos Runyon
Marvin A. Cornett	William M. Horn	Cecil Sanders
R. Josh Cosby	Paul S. Jonas	Clem Schroader
Charles M. Crowe	Jennings Kearby	Gus F. Sheehan, Jr.
J. C. Denney, Jr.	Jesse H. Lawrence	Dr. B. F. Shields
C. E. Dowell	Paul M. Lewis	John A. Sloan
James A. Dressman, Jr.	Mrs. J. T. Linton	E. A. Spencer
R. L. Dunigan	William Maglinger	Mrs. Thelma Stovall
Jack Early	Shelby McCallum	E. H. (Ted) Stumbo
Harold Edwards	G. Lee McClain	Egbert V. Taylor
William Engle	Russell L. Meadows	Albert Thomason
Roscoe Estep	Tom Mobley	Eulick (Mike) Walsh
Herbert Fern	Robert H. Moore	Wm. Thos. Wathen
Wm. P. Friedlander	Walter R. Moorman	L. M. Weathers
Henry J. Giles	Earl F. Murphy	Hicks Wells
Chas. M. Greene	Thomas J. Murphy	William B. Wells
Henry C. Hale	Ewin C. Neville	W. A. (Pete) Wickliffe
Eugene B. Hancock	Bart N. Peak	Charles W. Wirsch
Farmer Helton	Louis T. Peniston	Walker H. Wiseman
William K. Henry	Tipton Reed	Garrett L. Withers
Thomas D. Hewlett	Earl Rogers	
Henry R. Heyburn	Joe Rouse	

—76

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate announcing that they had pased bills originating in that body as follows, viz:

S. Res. No. 7. A RESOLUTION concerning the naming of the body of water impounded by Wolf Creek Dam.

Said resolution is as follows, viz:

WHEREAS, historically and continuing, people living and doing business along and adjacent to the reservoir created in the

Commonwealth of Kentucky by Wolf Creek Dam have been and are overwhelmingly in favor of naming that body of water "Lake Cumberland"; and

WHEREAS, it is universally recognized, as recently expressed by Colonel Henry Walsh, U. S. A. District Engineer at Nashville, that "The renaming of Wolf Creek Reservoir as 'Lake Cumberland' by the people of Kentucky is understandable and commendable . . . The Corps of Engineers feel that it is the prerogative of the people to name the lakes as they see fit;" and

WHEREAS, the construction of Wolf Creek Dam and the reservoir has been completed and the lake has been filled with water for some months; the area is being developed and patronized as a great recreation area, especially for fishing and other water sports; the Dam has been officially dedicated to public use, removing the last remaining objection to officially changing the name to "Lake Cumberland"; and

WHEREAS, the name "Lake Cumberland" has already become firmly entrenched in the minds of the people and is in common usage, and that the use of any other name in any quarter can only cause confusion and hinder the normal development of the section as a recreation area,

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, The House of Representatives Concurring Therein:

(1) That the Congress of the United States of America be requested to designate, as the official name of the body of water impounded by Wolf Creek Dam, "Lake Cumberland," and that the name of the Dam remain "Wolf Creek Dam"; and

(2) That all government agencies, both national and state, and all private agencies and other persons having occasion to refer to the impoundment, be requested to use the name "Lake Cumberland" and no other; and

(3) That the Clerk of the Senate is directed to forward copies of this resolution to the Clerks of the Senate and House of Representatives of the Congress, to all Kentucky members of the Congress, to the heads of all state and national govern-

mental departments connected with the development and operation of the impoundment, and to the newspapers and radio stations in Kentucky and in the larger cities in states adjacent to Kentucky.

Said resolution was ordered referred, to the Committee on Committees.

Mr. Lowman, Chairman of the Committee on Committees to which S. Res. No. 7 had been previously referred, reported said resolution with the expression that same should pass, and Mr. Lowman moved the adoption of said resolution.

Said motion was agreed to.

Said resolution was adopted, and ordered returned to the Senate.

The Senate also announced that they had passed bills originating in that body as follows, viz:

S. B. No. 41. AN ACT relating to the creation and establishment of public road eistricts in counties containing cities of the first class and in cities of the sixth class located in counties containing cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 184.010 of the Kentucky Revised Statutes is amended to read as follows:

Public road districts may be established in counties containing cities of the first class for the purpose of providing the general public and persons residing upon or owning property adjacent to such roads with all-weather roads, appropriate drainage of said roads and sidewalks on either or both sides of said roads, with reasonable maintenance during the existence of the road district.

Section 2. Section 184.020 of the Kentucky Revised Statutes is amended to read as follows:

A public road district may be established in the following manner:

(a) Any person or group of persons owning property abutting upon any public road (which is neither a county road nor a state road) in cities of the sixth class located in counties containing cities of the first class and in counties outside of and containing cities of the first class, may sponsor the creation of such a road district. The sponsors shall first prepare or have prepared for them a map of that section of such public road which they desire to have improved. Such map shall show the boundary lines and terminal points of the road desired to be improved and shall set forth on such map the names of the owners of all property and the number of linear feet owned by them abutting upon such road the location and size of drainage ditches and sidewalks. The sponsors of said road district shall also have estimated for them by an engineer, who must be a private engineer licensed by the Commonwealth of Kentucky, pursuant to Chapter 93 of the Acts of the General Assembly for the year 1928, the approximate cost of constructing the improvements desired and reasonable maintenance for the duration of the road district, together with a statement of the approximate cost which shall be borne by each owner of property abutting on the road, determined by the number of linear feet of property owned by each abutting property holder. Said sponsors of said road district shall also prepare a petition and shall attach to said petition the aforesaid maps and statements of cost.

Section 3. Section 184.070 of the Kentucky Revised Statutes is amended to read as follows:

The board of directors, which is hereby declared to be the governing body of the road district, shall keep a record of its proceedings, shall adopt and have a seal, and shall exercise all powers and manage and control all the affairs and property of the district. Said board of directors shall elect one of its members chairman, one secretary and one treasurer. The board may employ an attorney and an engineer, who shall serve in such capacities during the pleasure of the board and for such reasonable compensation as may be fixed by the board and approved by order of the county court. Each member of the board may receive a salary of not in excess of two hundred dollars per annum for his services, which salary shall be fixed at the first meeting of said board, and approved of by order of the county court, and

thereafter may be decreased as the duties of the members decrease. The board may adopt such rules and regulations as are necessary for its proper functioning. The chairman, secretary and treasurer of the district shall perform such duties as are usually performed by such officers. The county court by method similar to that for approving settlements of fiduciaries shall approve the accounts and acts of all directors upon death, resignation or at expiration of their term of office, which county court approval shall relieve the surety upon the bond of such director, the cost of which shall be a charge against the district. When the affairs of the district have been completed, the directors and officers shall by verified petition ask the county court for a dissolution of the district, which petition shall include an accounting of all monies received and disbursed by the district and shall be referred to a county court commissioner as in fiduciary settlements and when approved by the county court shall release said officers, directors and their sureties, the cost of which shall be a charge against the district.

Section 4. Section 184.120 of the Kentucky Revised Statutes is amended to read as follows:

When a bid has been accepted and the cost of constructing the road improvement has thus been determined, the board of directors shall prepare a statement of all costs of constructing the project (including the cost of organizing the district, preliminary expenses, fees of directors, engineer and attorney, and a sum sufficient to provide for any unforeseen contingencies up to and including the completion of the project, together with a fund adequate to provide for continuing costs of the district which may include reasonable maintenance of the roads, drainage, ditches and sidewalks for a period of ten years) and shall thereupon determine the front-foot cost of constructing the road improvement. The board of directors shall then assess against each owner of the property abutting upon the road improved within the limits of the improvement that proportion of the cost of constructing the entire improvement which his front footage abutting upon the road bears to the total front footage of all properties abutting upon the road within the area to be improved. In determining the total front footage, intersections shall be included.

Said bill was ordered printed and referred.

The Senate message further announced that it had concurred and passed bills originating in the House of the following titles, viz:

H. B. No. 21. AN ACT concerning the levy of license taxes in cities of the first class, the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Said bill was ordered delivered to the Enrolilng Clerk.

H. B. No. 62. AN ACT relating to narcotic drugs, amending section 218.210 of the Kentucky Revised Statutes.

Said bill was ordered delivered to the Enrolling Clerk.

H. B. No. 68. AN ACT to repeal, amend and re-enact Section 382.300, Kentucky Revised Statutes.

Said bill was ordered delivered to the Enrolling Clerk.

H. B. No. 72. An ACT relating to births and deaths, amending section 213.150 of the Kentucky Revised Statutes.

Said bill was ordered delivered to the Enrolling Clerk.

H. B. No. 73. AN ACT relating to the Kentucky Water Pollution Control Commission.

Said bill was ordered to be delivered to the Enrolling Clerk.

H. B. No. 74. AN ACT relating to the Workman's Compensation Act authorizing the Tuberculosis Sanatoria Commission to elect to come under the provisions of the Act.

Said bill was ordered delivered to the Enrolling Clerk.

REFERRAL OF BILLS

House Bill 176. Ways & Means

177. Cities of Fourth Class

178. Kentucky Statutes No. 2

179. Agriculture
180. Public Health
181. Constitutional Amendments
182. Motor Transportation
183. Ways & Means
184. Education
185. Cities of the Fourth Class
186. Kentucky Statutes No. 1
187. Kentucky Statutes No. 2
188. Veretans Legislation & Millitary Affairs
189. Cities of the Second Class
190. Regulation of Intoxicating Liquors
191. Education
192. Kentucky Statutes No. 2
193. Cities of the Second Class
194. Education
195. Kentucky Statutes No. 2
196. Kentucky Statutes No. 2
197. Kentucky Statutes No. 2
198. Kentucky Statutes No. 2
199. Kentucky Statutes No. 2
200. Kentucky Statutes No. 1
201. Cities of the Fifth Class
202. Elections
203. Cities of the Second Class
204. Ways & Means
205. Ways & Means

206. Courts & Legal Procedures

207. Kentucky Statutes No. 1

208. Kentucky Statutes No. 1

209. Kentucky Statutes No. 2

210. Kentucky Statutes No. 2

211. Revenue & Taxation

212. Agriculture

213. Revenue & Taxation

214. Kentucky Statutes No. 1

215. Criminal Law

216. Ways & Means

217. Criminal Law

218. Education

219. Education

220. Kentucky Statutes No. 1

221. Ways & Means

Senate Bill 40. Cities of the Fifth Class

Senate Bill 43. Ways & Means

Senate Bill 85. Agriculture

House Bill 173. Agriculture

By mistake or oversight H. B. No. 174 was heretofor referred by the Committee on Committees to the Committee on Agriculture and H. B. No. 175 to Appropriations, and each of said bills are recalled from said committees and re-referred as follows:

H. B. 174. Appropriations

H. B. 175. Motor Transportation

Mr. Gay moved that Adaline Whaley of Lexington, Kentucky, be made Honorary Page for the General Assembly of the 1952 Session.

Mr. Threlkeld moved that Jimmy Cammack of Owen County, Kentucky, be made Honorary Page for the General Assembly of the 1952 Session.

Mr. Lowman moved that the House do now adjourn to meet again at 1:00 o'clock p.m., Tuesday, February 5, 1952.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 5, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Paul S. Stauffer, Pastor of the First Christian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Charles M. Crowe	Henry R. Heyburn
Dr. John Adkins, Jr.	J. C. Denney, Jr.	E. R. Hilton
Henry Arrowood	C. E. Dowell	Ray Holbrook
J. Everett Bach	James A. Dressman, Jr.	Chester J. Holsclaw
Sidney Baer	R. L. Dunigan	William M. Horn
John Rhea Banton	Jack Early	Paul S. Jonas
Clarence J. Barnum	Harold Edwards	William L. Jones
Owen Billington	William Engle	Jennings Kearby
Wm. W. Blanton	Herbert Fern	James W. Lambert
J. C. Bradley	Wm. P. Friedlander	Jesse H. Lawrence
Ed. T. Breathitt	Leslie Gay	Paul M. Lewis
Edward O. Bridgers	Henry J. Giles	Mrs. J. T. Linton
Thomas L. Britton	Chas. M. Greene	Harry K. Lowman
Mrs. Mary E. Burnete	Henry C. Hale	William Maglinger
Alex H. Calvert	Eugene B. Hancock	Shelby McCallum
Walter J. Chyle, Jr.	George F. Harris	G. Lee McClain
Lewis W. Combest	John Head	Russell L. Meadows
Marvin A. Cornett	Farmer Helton	Tom Mobley
R. Josh Cosby	Thomas D. Hewlett	Robert H. Moore

Walter R. Moorman	Amos Runyon	J. B. Veech
Fred H. Morgan	Cecil Sanders	Eulick (Mike) Walsh
Earl F. Murphy	Clem Schroader	Wm. Thos. Wathen
Thomas J. Murphy	Gus F. Sheehan, Jr.	L. M. Weathers
Ewin C. Neville	Dr. B. F. Shields	Hicks Wells
Bart N. Peak	John A. Sloan	William B. Wells
Louis T. Peniston	E. A. Spencer	W.A.(Pete)Wickliffe
Tipton Reed	Mrs. Thelma Stovall	Charles W. Wirsch
J. F. Robinson	E. H. (Ted) Stumbo	Walker H. Wiseman
Earl Rogers	Egbert V. Taylor	Garrett L. Withers
Joe Rouse	Albert Thomason	Charles W. Burnley,
Carl J. Ruh	William F. Threlkeld	Speaker

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees being as follows: R. O. Blevins, Thomas R. Duncan, Roscoe Estep, William K. Henry, Hobart Rayburn, Marion Vance, W. W. Webster and Morris Weintraub.

Mr. Morgan moved that Sue Carroll Holloway of Taylorsville, Kentucky, be made an Honorary Page of the General Assembly of the 1952 Session.

Said motion was agreed to.

Mr. Early moved that James Carroll of Lexington, Kentucky be made an Honorary Page of the General Assembly of the 1952 Session.

Said motion was agreed to.

Mr. Sheehan moved that the reading of the Journal of the proceedings of Monday, February 4, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and a resolution of the following titles were introduced, viz:

By Mr. Britton.

H. Res. No. 25. A JOINT RESOLUTION authorizing payment of a claim against the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That G. G. Hibbard, former sheriff of Clay County, Kentucky, has a valid and unpaid claim against the Commonwealth of Kentucky in the amount of $257.03 for services rendered in September, 1939, in traveling to Texas and returning to Clay County one William Pennington, a fugitive from justice on a charge of obtaining money and property under false pretenses.

Section 2. That there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of $257.03 for the payment of the claim authorized herein. The Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of G. G. Hibbard for the amount authorized.

Said resolution was ordered printed and referred to the Committee on Claims.

By Mr. Holbrook and Maglinger.

H. B. No. 245. AN ACT concerning an excise tax on amusement admissions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (1) of Section 138.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (4) to (6) of this section, and in KRS 97.130, an excise tax shall be paid on the sale of admission to places of amusement or entertainment at the following rates: Admission charges of less than eleven cents shall not be subject to tax; if the admission charge is eleven cents to eighteen cents, the rate shall be three cents; if the admission charge is nineteen cents to twenty-eight cents, the

rate shall be four cents; if the admission charge is twenty-nine cents to thirty-eight cents, the rate shall be five cents; if the admission charge is in excess of thirty-eight cents and not exceeding one dollar, the rate shall be five cents plus three cents additional for each ten cents or fractional part thereof in excess of thirty-eight cents; if the admission charge is in excess of one dollar, the rate shall be twelve cents plus three cents additional for each twenty-five cents or fractional part thereof in excess of one dollar.

Sec. 2. That part of the revenue accruing under subsection (1) of KRS 138.020 as a result of the increased tax rates provided for in this Act is hereby appropriated to the Teachers' Retirement System.

Said bill was ordered printed and referred.

By Mr. Kearby.

H. B. No. 246. AN ACT relating to compensation of members of a fiscal court.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 67.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each county commissioner serving on a fiscal court may be paid out of the county treasury the following compensation for his services:

(a) In counties containing a city of the first or second class, a salary of three thousand dollars per anum, payable monthly.

(b) In counties containing a city of the third or fourth class, a salary of not more than one thousand, eight hundred dollars per annum, payable monthly.

(c) In other counties, the same compensation per day as justices of the peace receive under subsections (2) and (3) of this section.

(2) Each justice of the peace serving on a fiscal court shall be paid for his services out of the county treasury an amount

to be fixed by the fiscal court, not to exceed fifteen dollars for each day of actual attendance at the meetings of the fiscal court.

(3) County commissioners or justices of the peace shall not receive any other compensation for their services, or any compensation for serving on committees of the fiscal court, except that in counties where the fiscal court controls and supervises the county roads through a committee of its members, the justices of the peace serving on that committee shall be paid out of the county treasury an amount to be fixed by the fiscal court not to exceed ten dollars for each day of actual service. In lieu of a fixed daily sum for road service, the fiscal court may set up an hourly pay and mileage schedule, however, such schedule shall not permit any member to receive more than ten dollars for each day of actual road service.

(4) No member of a fiscal court shall claim compensation for any road service which he or his agent has not actually performed.

Section 2. Section 67.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any officer who willfully violates any of the provisions of KRS 67.020 or subsection (4) of KRS 67.110 shall be deemed guilty of misfeasance in office, and shall be fined not more than one hundred dollars.

(2) Any officer who willfully violates any of the provisions of KRS 67.090 (2) shall be fined not less than fifty nor more than two hundred dollars for each offense.

Section 3. Subsection (3) of section 64.530 of the Kentucky Revised Statutes is repealed.

Said bill was ordered printed and referred.

By Mr. Combest, Withers, Wickliffe, Sloan, Hewlett, Lewis, Threlkeld, Breathitt, Sheehan, Sanders, Peniston, Kearby, Cornett, Helton, Wathen, Lambert, Weintraub, Dressman, Denny, Heyburn, Friedlander, Baer, and Chyle.

H. B. No. 247. AN ACT relating to officers who shall not practice law.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 30.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor, the Lieutenant Governor when serving as Governor, a judge of the Court of Appeals or circuit judge, shall not practice law.

(2) The clerk or deputy clerk of a court shall not practice law in the court of which he is clerk or deputy clerk.

Said bill was ordered printed and referred.

By Mr. Friedlander.

H. B. No. 248. An ACT relating to the powers and duties of the Council on Public Higher Education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 164.020 of the Kentucky Revised Statutes is amended to read as follows:

The Council on Public Higher Education in Kentucky shall:

(1) Coordinate the work and determine the curricular offerings of the state institutions of higher learning for white persons in Kentucky, on the basis of efficiency and economy.

(2) Determine the amount of entrance fees and the qualifications for admission to each of such institutions.

(3) Consider the budgetary requirements of each of such institutions and, on the basis of the needs of the various institutions as indicated by the individual budgets submitted recommend to the Department of Finance a budget covering the needs of the institution.

(4) Require such reports from the executive officers of each of such institutions as it deems necessary for the effectual performance of its duties.

(5) Publish at least biennially a report of the educational and financial affairs of such institutions.

(6) Elect, if it deems necessary, a secretary.

(7) Prepare schedules for athletic contests whereby each of such institutions, except the University of Kentucky, shall play the other institutions.

(8) Require the University of Kentucky, upon the request of the University of Louisville, to schedule such athletic contests as such latter institution requests; and to require said University of Kentucky to schedule contests with the next two highest aided institutions in this state.

Said bill was ordered printed and referred.

By Mr. Hale.

H. B. No. 249. AN ACT relating to wages and hours, payment of employes by a corporation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 337.020 of the Kentucky Revised Statutes is amended to read as follows:

Every corporation for pecuniary profit doing business in this state shall, as often as weekly, pay to each of its employes all wages or salary earned by him to a day not more than seven days prior to the date of that payment. An employe who is absent at the time fixed for payment, or who, for any other reason, is not paid at that time, shall be paid thereafter at any time upon three days demand. Any employe who leaves or is dis discharged from his employment shall be paid in full following his dismissal or voluntary leaving at any time upon three days demand. No corporation subject to this section shall, by any means, secure exemption from it. Every such employe shall have a right of action against any such corporation for the full account of his wages due on each regular pay day.

Said bill was ordered printed and referred.

By Mr. Lambert.

H. B. No. 250. AN ACT increasing the allowance for pauper idiots.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 203.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) A person having the care, custody or charge of an idiot may by filing with the Department of Finance a certified copy of the inquest and the order of the court adjudging an idiot to be a pauper, have an alowance to a pauper idiot of not more than two hundred and fifty dollars per annum to be paid as follows:

(a) One-half of the allowance shall be certified by the court holding the inquest to the Department of Finance for payment out of the State Treasury;

(b) One-half of the allowance shall be allowed and certified for payment by the court holding the inquest to the fiscal court of the county in which the inquest is held.

(2) If the idiot dies or ceases to be a pauper, a proportionate part of the allowance from the anniversary date of the allowance to the day of his death or his ceasing to be a pauper, may be paid.

Said bill was ordered printed and referred.

COMMITTEE REPORTS

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 157. AN ACT relating to children, and their care, custody, treatment and disposition; including provisions as to juvenile courts and as to the jurisdiction and powers of other courts concerning children, and provisions for the establishment

of agencies and facilities of the state for the administration of state functions regarding children.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 199. AN ACT relating to barbers and beauty specialists.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 198. AN ACT, amending KRS 45.280, relating to petty cash funds of state budget units.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 17. AN ACT abolishing the position of deputy constable, except in counties containing a city of the first or second class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length forthe first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 196. AN ACT relating to public printing, amending sections 57.090, 57.180 and 57.250 and repealing sections 57.080 and 57.260 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 78. AN ACT relating to advance fees of circuit clerks, amending Section 64.036 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass, with the Committee amendment attached thereto.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 76. AN ACT relating to the compensation of county tax commisioners.

With the expression of opinion that same should pass, with the Committee Substitute attached thereto.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 204. AN ACT relating to the acquisition of industrial buildings and equipment by cities, amending section 103.200 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 205. AN ACT relating to compensation of county officers.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts & Legal Procedure, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 105. AN ACT relating to the examination of witnesses in civil actions.

With the expression of opinion that same should pass, with the Committee Substitute attached thereto.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts & Legal Procedure, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 123. AN ACT relating to bail.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts & Legal Procedure, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 131. AN ACT relating to the making of wills by minors, amending section 394.030 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts & Legal Procedure, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts & Legal Procedure, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 206. AN ACT relating to support of dependents.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Wm. Engle, Chairman of the Committee on Third Class Cities, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 169. AN ACT concerning annexation of territory to cities of the third class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl J. Ruh, Chariman of the Committee on Cities of the Second Class, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 203. AN ACT relating to elections, with particular relation to elections, both regular and primary, in cities under the city manager form of government.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl J. Ruh, Chairman of the Committee on Cities of the Second Class, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 189. AN ACT authorizing cities of the second class to provide sewer services to common schools located outside of the boundaries.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl J. Ruh, Chairman of the Committee on Cities of the Second Class, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 193. AN ACT concerning boards of park commissioners in cities of the second class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 173. AN ACT concerning the development and promotion of the sheep industry in Kentucky.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. W. R. Moorman, Chairman of the Committee on Agriculture, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 160. AN ACT relating to control of Black Shank and other diseases of tobacco and to appropriate money for that purpose.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

CALENDAR

The House took up for consideration from the Calendar, House Bill of the following title, viz:

Mr. Lowman moved that the constitutional provision as to the second reading at length of said bill be dispensed with, and said bill be read for the second time by its title only.

Said motion was agreed to.

H. B. No. 82. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

ORDERS OF THE DAY

Mr. Lowman moved that H. Res. No. 8 be taken from the Orders of the Day, and recommitted to the Committee on Kentucky Statutes No. 2.

Said motion was agreed to.

Mr. Lowman moved that the consideration of H. B. No. 142 and H. B. No. 145 be passed and that they retain their place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 1. AN ACT relating to bribery of participants in professional or amateur games, sports, contests and horse racing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whoever gives, promises or offers to any professional or amateur baseball, football, hockey, polo, tennis or basketball player or boxer or any player who participates or expects to participate in any professional or amateur game or sport or any jockey, driver, groom or any person participating or expecting to participate in any horse race, including owners of race tracks and their employees, stewards, trainers, judges, starters or special policemen, or to any manager, coach or trainer of any team or participant or prospective participant in any such game, contest or sport, any valuable thing with intent to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in a baseball, football, hockey or basketball game, boxing, tennis or polo match or a horse race or any professional or amateur sport, or game, in which such player or participant or jockey or driver, is taking part or expects

to take part, or has any duty or connection therewith, is guilty of a felony, punishable by imprisonment for not less than one year, nor more than ten years and by a fine of not more than ten thousand dollars.

Section 2. Any professional or amateur baseball, football, hockey, basketball, tennis or polo player, boxer, or jockey, driver, or groom or participant or prospective participant in any sport or game or a manager, coach or trainer of any team or individual participant or prospective participant in any such game, contest or sport, who solicits or accepts any valuable thing to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in a baseball, football, hockey or basketball game or boxing, tennis or polo match, or horse race or any game or sport in which he is taking part, or expects to take part, or has any duty or connection therewith, is guilty of a felony, punishable by imprisonment for not less than one year, nor more than five years and by a fine of not more than ten thousand dollars.

Section 3. WHEREAS, the conduct for which this Act imposes a penalty is responsible for widespread indignation and loss of confidence in the sports and activities included herein and constitutes an imminent danger to the existence and continuation of the amateur, collegiate and professional sports and activities included herein, and seriously endangers the welfare of all of the persons and institutions participating in or connected with such sports;

NOW, THEREFORE, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Veech of the Committee on Kentucky Statutes No. 2, offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of S. B. No. 1 on page 1, section1, line 7 by inserting after the word "race" the words "or saddle horse shows." and moved its adoption.

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and pased as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	C. E. Dowell	William L. Jones
Henry Arrowood	James A. Dressman, Jr.	Jennings Kearby
J. Everett Bach	R. L. Dunigan	Jesse H. Lawrence
Sidney Baer	Jack Early	Paul M. Lewis
John Rhea Banton	Harold Edwards	Mrs. J. T. Linton
Clarence J. Barnum	William Engle	Harry K. Lowman
Owen Billington	Herbert Fern	Shelby McCallum
Wm. W. Blanton	Wm. P. Friedlander	Tom Mobley
J. C. Bradley	Leslie Gay	Robert H. Moore
Ed. T. Breathitt	Henry J. Giles	Walter R. Moorman
Edward O. Bridgers	Henry C. Hale	Fred H. Morgan
Thomas L. Britton	George F. Harris	Earl F. Murphy
Mrs. Mary E. Burnete	John Head	Thomas J. Murphy
Alex H. Calvert	Farmer Helton	Ewin C. Neville
Walter J. Chyle, Jr.	Thomas D. Hewlett	Bart N. Peak
Lewis W. Combest	Henry R. Heyburn	Louis T. Peniston
Marvin A. Cornett	E. R. Hilton	Tipton Reed
R. Josh Cosby	Chester J. Holsclaw	J. F. Robinson
Charles M. Crowe	William M. Horn	Earl Rogers
J. C. Denney, Jr.	Paul S. Jonas	Joe Rouse

Carl J. Ruh	Mrs. Thelma Stovall	Wm. Thos. Wathen
Amos Runyon	E. H. (Ted) Stumbo	L. M. Weathers
Cecil Sanders	Egbert V. Taylor	Hicks Wells
Gus F. Sheehan, Jr.	Albert Thomason	William B. Wells
Dr. B. F. Shields	William F. Threlkeld	W.A.(Pete)Wickliffe
John A. Sloan	J. B. Veech	Walker H. Wiseman
E. A. Spencer	Eulick (Mike) Walsh	Garrett L. Withers

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Those who voted in the negative were—

Bill Adams —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 63. AN ACT relating to actions for libel or slander amending section 411.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 411.050 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) (a) In any action for damages for the publication of a defamatory statement in a daily or other newspaper, or by a visual or sound radio broadcast, the plaintiff shall recover no more than special damages unless he shall allege and prove that he made a sufficient demand for correction and that the newspaper, or the radio or television broadcasting station, failed to make conspicuous and timely publication of said correction.

(b) A "sufficient demand for correction" is a demand for

correction which is in writing; which is signed by the plaintiff or his duly authorized attorney or agent; which specifies the statement or statements claimed to be false and defamatory, states wherein they are false, and sets forth the true facts; and which is delivered to the defendant prior to the commencement of the action.

(c) A "correction" is either (i) the publication of an acknowledgment that the statement or statements specified as false and defamatory in the plaintiff's demand for correction are erroneous, or (ii) the publication of the plaintiff's statement of the true facts (as set forth in his demand for correction) or a fair summary thereof, exclusive of any portions thereof which are defamatory of another, obscene, or otherwise improper for publication. If the demand for correction has specified two or more statements as false and defamatory, the correction may deal with some of such statements pursuant to (i) above and with other of such statements pursuant to (ii) above.

(d) A "conspicuous publication" in a newspaper is a publication which is printed in substantially as conspicuous a manner as the statement or statements specified as false and defamatory in the demand for correction; and for this purpose the Sunday and daily issues of a newspaper shall be deemed equivalent. A "conspicuous publication in a visual or sound radio broadcast is a publication which is broadcast at substantially the same time of day, and with the same sending power, as the statement or statements specified as false and defamatory in the demand for correction. A publication in a particular manner which is agreeable to the plaintiff shall in any event be deemed "conspicuous."

(e) A "timely publication" in a daily newspaper is a publication within three business days after the day on which a sufficient demand for correction is received by the defendant. A "timely publication" in a newspaper other than a daily newspaper is a publication in or prior to the next regular issue which is published not less than three business days after the day on which a sufficient demand for correction is received by the defendant. For this purpose the Sunday and daily issues of a newspaper shall be deemed equivalent. A "timely publication"

in a visual or sound radio broadcast is a publication within three business days after the day on which a sufficient demand for correction is received by the defendant. A "business day" is any day other than a Sunday or legal holiday. A publication in a particular issue or on a particular day which is agreeable to the plaintiff shall in any event be deemed "timely."

(f) "Special damages" are pecuniary damages which the plaintiff alleges and proves that he has suffered in respect to his property, business, trade, profession, or occupation (including such amounts of money as the plaintiff alleges and proves he has expended as a proximate result of the aleged defamation), and no other.

(2) If in any action for damages for the publication of a defamatory statement on a visual or sound radio broadcast, the defendant proves that said defamatory statement has been uttered by one other than the owner, licensee, or operator of the broadcasting station or one acting as the agent or employee of said owner, licensee or operator, the action shall be dismissed unless the plaintiff shall allege and prove that such owner, licensee, operator, agent or employee has failed to exercise due care to prevent the publication of said statement in said broadcast; provided, however, that in no event shall the owner, operator or licensee of a radio or television broadcasting station, or one acting as the agent or employee of such owner, operator or licensee, be held liable for the utterance of a defamatory statement in a visual or sound radio broadcast over the facilities of such station by any person speaking as a legally qualified candidate for public office.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Wathen moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Wm. P. Friedlander	Bart N. Peak
Henry Arrowood	Leslie Gay	Louis T. Peniston
J. Everett Bach	Henry J. Giles	Tipton Reed
Sidney Baer	Chas. M. Greene	Earl Rogers
John Rhea Banton	George F. Harris	Joe Rouse
Clarence J. Barnum	John Head	Carl J. Ruh
Owen Billington	Farmer Helton	Amos Runyon
Wm. W. Blanton	Thomas D. Hewlett	Cecil Sanders
J. C. Bradley	Henry R. Heyburn	Clem Schroader
Ed. T. Breathitt	E. R. Hilton	Gus F. Sheehan, Jr.
Edward O. Bridgers	Chester J. Holsclaw	Dr. B. F. Shields
Thomas L. Britton	William M. Horn	John A. Sloan
Mrs. Mary E. Burnete	Paul S. Jonas	E. A. Spencer
Walter J. Chyle, Jr.	William L. Jones	Mrs. Thelma Stovall
Lewis W. Combest	Jennings Kearby	E. H. (Ted) Stumbo
Marvin A. Cornett	James W. Lambert	Egbert V. Taylor
R. Josh Cosby	Paul M. Lewis	Albert Thomason
Charles M. Crowe	Mrs. J. T. Linton	William F. Threlkeld
J. C. Denney, Jr.	Harry K. Lowman	J. B. Veech
C. E. Dowell	Shelby McCallum	Wm. Thos. Wathen
James A. Dressman, Jr.	Russell L. Meadows	L. M. Weathers
R. L. Dunigan	Tom Mobley	Hicks Wells
Jack Early	Robert H. Moore	William B. Wells
Harold Edwards	Walter R. Moorman	W. A. (Pete) Wickliffe
William Engle	Earl F. Murphy	Walker H. Wiseman
Roscoe Estep	Thomas J. Murphy	Garrett L. Withers
Herbert Fern	Ewin C. Neville	—80

Resolved that the title thereof be as aforesaid.

Mr. Wathen moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 64. AN ACT relating to disclosure of sources of information published by newspapers, radio and television stations amending section 421.100 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 421.100 of the Kentucky Revised Statutes is hereby amended to read as follows:

No person shall be compelled to disclose in any legal proceeding or trial before any court, or before any grand or petit jury, or before the presiding officer of any tribunal, or his agent or agents, or before the General Assembly, or any committee thereof, or before any city or county legislative body, or any committee thereof, or elsewhere, the source of any information procured or obtained by him, and published in a newspaper or by a radio or television broadcasting station by which he is engaged or employed, or with which he is connected.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision, as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Henry J. Giles	Tipton Reed
Henry Arrowood	Chas. M. Greene	J. F. Robinson
J. Everett Bach	George F. Harris	Joe Rouse
John Rhea Banton	John Head	Carl J. Ruh
Clarence J. Barnum	Farmer Helton	Amos Runyon
Owen Billington	Thomas D. Hewlett	Cecil Sanders
Wm. W. Blanton	Henry R. Heyburn	Clem Schroader
J. C. Bradley	Chester J. Holsclaw	Gus F. Sheehan, Jr.
Ed. T. Breathitt	William M. Horn	Dr. B. F. Shields
Edward O. Bridgers	Paul S. Jonas	John A. Sloan
Thomas L. Britton	William L. Jones	E. A. Spencer
Mrs. Mary E. Burnete	Jennings Kearby	Mrs. Thelma Stovall
Alex H. Calvert	James W. Lambert	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Paul M. Lewis	Egbert V. Taylor
Lewis W. Combest	Mrs. J. T. Linton	Albert Thomason
Marvin A. Cornett	Harry K. Lowman	William F. Threlkeld
R. Josh Cosby	Shelby McCallum	J. B. Veech
Charles M. Crowe	Tom Mobley	Eulick (Mike) Walsh
J. C. Denney, Jr.	Robert H. Moore	Wm. Thos. Wathen
C. E. Dowell	Walter R. Moorman	L. M. Weathers
R. L. Dunigan	Fred H. Morgan	Hicks Wells
Jack Early	Earl F. Murphy	William B. Wells
Harold Edwards	Thomas J. Murphy	W. A. (Pete) Wickliffe
William Engle	Ewin C. Neville	Walker H. Wiseman
Wm. P. Friedlander	Bart N. Peak	Garrett L. Withers
Leslie Gay	Louis T. Peniston	—77

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Dependent Child" means a child who is unable to provide for himself, or who does not otherwise have provided for him, a subsistence compatible with decency and health.

(2) "Association" means a recognized association, institution privately-maintained children's house or corporation located within a second class city and which embraces within its purposes the care, guardianship and subsistence of dependent children.

Section 2. Each city of the second class is authorized to contribute, out of its general fund, a sum not to exceed $120.00 per annum for each dependent child living within and under the care, guardianship and subsistence of an association. The contribution for dependent children shall be known as "The Children's Relief" and shall be payable quarterly on the first day of March, June, September and December to the associations caring for the children.

Section 3. To be entitled to the benefits authorized herein, an association must file with the city clerk an application for each child setting out that the child had been regularly registered, admitted and accepted as a ward and occupant of the association at least sixty days prior to the date of application and, further stating the facts that show the child's dependency. In support of the facts stated in the application, the superintendent or other executive officer of the association shall file an affidavit with the city clerk, who thereupon shall refer the ap-

plication and affidavit to the legislative body of the city. The legislative body shall make a diligent investigation of each application and if it is determined that the child is a dependent child, then he shall be entitled to the benefits authorized herein.

Section 4. The legislative body of a second class city may in its discretion, provide for payment for support of dependent children as a group, using the average occupancy of each association for the last two years as a basis for payment at the rate per year for each child as herein provided, and may make regulations for determining the average occupancy of the last two years. Payment shall be made in the manner and at the time provided in section 2.

Mr. Ruh of the Committee on Cities of the Second Class, offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of H. B. No. 79 on page 1, section1, line 7, 8, 9, 10 and 11, by striking lines 7, 8, 9, 10 and 11 of paragraph (2) of Section 1 on page one of the printed bill and substituting in liey thereof the following:

(2) "Association" means a recognized public or privately owned institution, children's house or corporation, located within a second class city or within a county containing a city of the second class, and which embraces within its purposes the care, guardianship and substistence of dependent children."

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Chas. M. Greene	Ewin C. Neville
Henry Arrowood	Henry C. Hale	Bart N. Peak
J. Everett Bach	George F. Harris	Louis T. Peniston
Sidney Baer	John Head	Tipton Reed
Clarence J. Barnum	Farmer Helton	J. F. Robinson
Owen Billington	Thomas D. Hewlett	Carl J. Ruh
Wm. W. Blanton	Henry R. Heyburn	Amos Runyon
Ed. T. Breathitt	E. R. Hilton	Clem Schroader
Edward O. Bridgers	Ray Holbrook	Gus F. Sheehan, Jr.
Thomas L. Britton	Chester J. Holsclaw	Dr. B. F. Shields
Mrs. Mary E. Burnete	William M. Horn	John A. Sloan
Alex H. Calvert	Paul S. Jonas	E. A. Spencer
Walter J. Chyle, Jr.	William L. Jones	E. H. (Ted) Stumbo
Lewis W. Combest	Jennings Kearby	Egbert V. Taylor
Marvin A. Cornett	Jesse H. Lawrence	Albert Thomason
R. Josh Cosby	Paul M. Lewis	J. B. Veech
Charles M. Crowe	Mrs. J. T. Linton	Eulick (Mike) Walsh
J. C. Denney, Jr.	Harry K. Lowman	Wm. Thos. Wathen
C. E. Dowell	Shelby McCallum	L. M. Weathers
R. L. Dunigan	Tom Mobley	Hicks Wells
Jack Early	Robert H. Moore	William B. Wells
Harold Edwards	Fred H. Morgan	W.A.(Pete)Wickliffe
William Engle	Earl F. Murphy	Walker H. Wiseman
Roscoe Estep	Thomas J. Murphy	Garrett L. Withers
Wm. P. Friedlander		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the consideration of H. B. No. 104 be passed and that it retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 119. AN ACT relating to salaries of mayors and commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 89.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) In cities of the second class the mayor shall receive an annual salary of not more than $3,000, and each commissioner shall receive an annual salary of not more than $2,500.

Mr. Dressman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	John Rhea Banton	R. O. Blevins
Henry Arrowood	Clarence J. Barnum	Ed. T. Breathitt
Sidney Baer	Owen Billington	Mrs. Mary E. Burnete

Alex H. Calvert	Ray Holbrook	Carl J. Ruh
Walter J. Chyle, Jr.	Chester J. Holsclaw	Amos Runyon
Lewis W. Combest	William M. Horn	Cecil Sanders
Marvin A. Cornett	Paul S. Jonas	Clem Schroader
R. Josh Cosby	William L. Jones	Gus F. Sheehan, Jr.
J. C. Denney, Jr.	Jennings Kearby	Dr. B. F. Shields
James A. Dressman, Jr.	Jesse H. Lawrence	John A. Sloan
R. L. Dunigan	Paul M. Lewis	E. A. Spencer
Jack Early	Mrs. J. T. Linton	Mrs. Thelma Stovall
Harold Edwards	Harry K. Lowman	E. H. (Ted) Stumbo
William Engle	Shelby McCallum	Egbert V. Taylor
Roscoe Estep	G. Lee McClain	Albert Thomason
Herbert Fern	Russell L. Meadows	J. B. Veech
Wm. P. Friedlander	Tom Mobley	Eulick (Mike) Walsh
Leslie Gay	Robert H. Moore	Wm. Thos. Wathen
Chas. M. Greene	Walter R. Moorman	L. M. Weathers
George F. Harris	Fred H. Morgan	Hicks Wells
John Head	Earl F. Murphy	William B. Wells
Farmer Helton	Ewin C. Neville	W. A. (Pete) Wickliffe
Thomas D. Hewlett	Louis T. Peniston	Walker H. Wiseman
Henry R. Heyburn	J. F. Robinson	Garrett L. Withers
E. R. Hilton	Earl Rogers	

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Those who voted in the negative were—

Bart N. Peak

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 127. AN ACT concerning waterworks in cities other than first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 96.320 of the Kentucky Revised Statutes is amended to read as follows:

"Cities of the second class that own a waterworks may operate such waterworks as a department of the city, or may appoint a commission to operate such waterworks. If such a commission is appointed, it shall be styled "Commissioners of Waterworks," and shall be composed of from three to five members to be appointed by the mayor, subject to the approval of the city legislative body. If a commission is composed of five members, the mayor shall appoint, in addition to the five members, a member of the legislative body of the city who shall be an ex officio member of the commission. They shall be residents and legal voters of the city. The terms of the members shall be fixed by the city legislative body, or they may be appointed for indefinite terms, subject to removal by the city legislative body for cause. The commissioners shall give bond for the faithful performance of their duties in the sum of five thousand dollars. The commissioners shall manage the water system of the city. They may appoint a superintendent, secretary, treasurer and other necessary employes and fix their salaries. They shall make full monthly reports to the city legislative body of the operation and condition of the water system, including all receipts and expenditures. Three members of the board shall constitute a quorum for the transaction of business.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Wm. P. Friedlander	Thomas J. Murphy
Dr. John Adkins, Jr.	Henry C. Hale	Bart N. Peak
Henry Arrowood	George F. Harris	Louis T. Peniston
J. Everett Bach	John Head	J. F. Robinson
Sidney Baer	Farmer Helton	Earl Rogers
John Rhea Banton	Thomas D. Hewlett	Joe Rouse
Clarence J. Barnum	E. R. Hilton	Amos Runyon
Owen Billington	Ray Holbrook	Cecil Sanders
Wm. W. Blanton	William M. Horn	Clem Schroader
J. C. Bradley	Paul S. Jonas	Gus F. Sheehan, Jr.
Ed. T. Breathitt	William L. Jones	Dr. B. F. Shields
Edward O. Bridgers	Jennings Kearby	John A. Sloan
Mrs. Mary E. Burnete	James W. Lambert	E. A. Spencer
Alex H. Calvert	Jesse H. Lawrence	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	Paul M. Lewis	E. H. (Ted) Stumbo
Lewis W. Combest	Mrs. J. T. Linton	Egbert V. Taylor
Marvin A. Cornett	Harry K. Lowman	Albert Thomason
R. Josh Cosby	Shelby McCallum	J. B. Veech
Charles M. Crowe	G. Lee McClain	Wm. Thos. Wathen
C. E. Dowell	Russell L. Meadows	L. M. Weathers
James A. Dressman, Jr.	Tom Mobley	Hicks Wells
R. L. Dunigan	Robert H. Moore	William B. Wells
Jack Early	Walter R. Moorman	W. A. (Pete) Wickliffe
Harold Edwards	Fred H. Morgan	Walker H. Wiseman
William Engle	Earl F. Murphy	Garrett L. Withers
Herbert Fern		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the consideration of H. B. No. 153 be passed, and that it retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 164. AN ACT relating to places of entertainment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. If the county court, pursuant to the hearing provided for in KRS 231.080, finds that the applicant for a permit to operate a place of entertainment is of good moral character, at least twenty-one years of age and has not been convicted in Kentucky, within two years prior to the application, of a felony or of maintaining a public nuisance, it shall issue to the applicant the permit applied for.

Section 2. Section 231.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) From the judgment of the county court refusing to grant the permit, the applicant may appeal to the circuit court, where the appeal shall be tried as an action in equity, and the evidence shall be heard in open court.

(2) From the judgment of the county court granting a permit any citizen of the county may appeal to the circuit court and the appeal in the circuit court shall be tried as in the case of an appeal from a judgment denying the permit.

(3) Before any appeal is perfected, the party appealing shall file a copy of the judgment of the county court with the circuit clerk and shall execute a bond guaranteeing the payment of the cost of the appeal. The cost of the appeal shall be adjudged against the person losing the appeal.

(4) The county attorney shall resist any appeal filed by an applicant and shall represent any citizen who appeals from the judgment of the county court granting a permit.

(5) Any party aggrieved by a judgment of the circuit court may appeal to the Court of Appeals in the same manner that appeals are taken under Section 639a-5 of the Civil Code of Practice.

Section 3. Section 231.030 of the Kentucky Revised Statutes is repealed.

Mr. Moore moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Henry Arrowood	Thomas R. Duncan	Russell L. Meadows
Sidney Baer	Harold Edwards	Tom Mobley
Clarence J. Barnum	William Engle	Robert H. Moore
Wm. W. Blanton	Herbert Fern	Walter R. Moorman
Edward O. Bridgers	Wm. P. Friedlander	Carl J. Ruh
Mrs. Mary E. Burnete	Henry R. Heyburn	Gus F. Sheehan, Jr.
Alex H. Calvert	Ray Holbrook	Hicks Wells
R. Josh Cosby	Chester J. Holsclaw	William B. Wells
James A. Dressman, Jr.	Paul S. Jonas	Walker H. Wiseman

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Those who voted in the negative were—

Bill Adams	Eugene B. Hancock	Cecil Sanders
Dr. John Adkins, Jr.	John Head	Clem Schroader
J. Everett Bach	Farmer Helton	Dr. B. F. Shields
Owen Billington	Thomas D. Hewlett	John A. Sloan
J. C. Bradley	E. R. Hilton	E. A. Spencer
Ed. T. Breathitt	William M. Horn	Mrs. Thelma Stovall
Thomas L. Britton	Jennings Kearby	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	James W. Lambert	Egbert V. Taylor
Lewis W. Combest	Jesse H. Lawrence	Albert Thomason
Marvin A. Cornett	Mrs. J. T. Linton	William F. Threlkeld
Charles M. Crowe	Harry K. Lowman	J. B. Veech
J. C. Denney, Jr.	Thomas J. Murphy	Eulick (Mike) Walsh
R. L. Dunigan	Bart N. Peak	L. M. Weathers
Jack Early	Louis T. Peniston	Charles W. Wirsch
Leslie Gay	J. F. Robinson	Garrett L. Withers
Chas. M. Greene	Earl Rogers	
Henry C. Hale	Joe Rouse	

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And so said bill was rejected.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All necessary record books and all necessary supplies, materials, paper, binders, chemicals and other photostatic supplies used in the preparation and making of such record books, required by the Circuit Court and County Court Clerks, shall be procured by the clerks upon the order of the court of which he is a clerk and shall be paid for by the county.

Mr. Wickliffe moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Jack Early	Mrs. J. T. Linton
Henry Arrowood	Harold Edwards	Harry K. Lowman
J. Everett Bach	William Engle	Tom Mobley
Sidney Baer	Roscoe Estep	Robert H. Moore
John Rhea Banton	Wm. P. Friedlander	Walter R. Moorman
Clarence J. Barnum	Leslie Gay	Fred H. Morgan
Owen Billington	Chas. M. Greene	Earl F. Murphy
Wm. W. Blanton	Henry C. Hale	Thomas J. Murphy
J. C. Bradley	Eugene B. Hancock	Ewin C. Neville
Ed. T. Breathitt	George F. Harris	Bart N. Peak
Thomas L. Britton	John Head	Louis T. Peniston
Mrs. Mary E. Burnete	Thomas D. Hewlett	J. F. Robinson
Alex H. Calvert	Henry R. Heyburn	Earl Rogers
Walter J. Chyle, Jr.	E. R. Hilton	Joe Rouse
Lewis W. Combest	Chester J. Holsclaw	Carl J. Ruh
Marvin A. Cornett	William M. Horn	Amos Runyon
R. Josh Cosby	Paul S. Jonas	Cecil Sanders
Charles M. Crowe	William L. Jones	Gus F. Sheehan, Jr.
J. C. Denney, Jr.	Jennings Kearby	Dr. B. F. Shields
C. E. Dowell	James W. Lambert	John A. Sloan
James A. Dressman, Jr.	Jesse H. Lawrence	E. A. Spencer
R. L. Dunigan	Paul M. Lewis	Mrs. Thelma Stovall

E. H. (Ted) Stumbo	Eulick (Mike) Walsh	W.A.(Pete)Wickliffe
Egbert V. Taylor	Wm. Thos. Wathen	Charles W. Wirsch
Albert Thomason	L. M. Weathers	Walker H. Wiseman
William F. Threlkeld	Hicks Wells	Garrett L. Withers
J. B. Veech	William B. Wells	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 148. AN ACT concerning promotion of agriculture and horticulture.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board may appoint a manager who shall not be one of their number. The appointment of a manager shall be on the basis of training, ability and experience. A manager shall hold his position during the pleasure of the board, but may be removed only by an affirmative vote of six members of the board. A manager shall be responsible for the administration of the policies set by the board, shall devote his entire time and attention to the performance of such duties and work as may be required of him by law or be assigned to him by the board, and shall receive such salary, fixed on an annual basis, as the board may determine.

(2) A manager may organize such administrative divisions as may be necessary and may designate chiefs of such divisions who, under his control and supervision, shall have the duties of direction of such divisions. A manager may em-

ploy such other employes and agents as he deems necessary for the carrying out of the policies of the board and to conduct the affairs of the State Fair, and may fix the duties and compensation of any employes or agents with the approval of the board.

(3) The board may employ or contract with such other persons, firms or corporations as the board may deem necessary or desirable to accomplish its duties and functions; may fix the compensation and the terms of employment or contract of those employed or contracted with; and may assign to them such duties and responsibilities as the board may determine, including the responsibility of actual operation of any or all of the faciilties under the control of the board.

(4) A manager and any persons employed under this section shall not be subject to the provisions of KRS 42.110 or 42.120.

Section 2. Section 137.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in KRS 137.050 to 137.110 until he has paid to the county clerk of the county in which he is engaged in such occupation or in selling such articles or in exercising such privilege the license tax prescribed in KRS 137.050 to 137.110 and obtained the license therefor.

(2) This section and KRS 137.050 shall not be construed to impose a tax on any county, or community fair association or corporation or similar enterprise or upon the agent or concessionaire of any such association or corporation operating within the grounds or rooms devoted to a festival or fair of any such association or corporation which shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in KRS 137.050 to 137.110 for a period of not exceeding one week in any calendar year without profit to the members or stockholders or to any other person connected with such association or corporation. This exemption shall not be construed to permit such association, corporation or similar enterprise to possess cigarettes in packages, boxes or retail con-

tainers upon which the tax provided in KRS 138.140 has not been paid.

Section 3. None of the provisions of Chapter 137 and none of the provisions of section 91.200 of the Kentucky Revised Statutes shall apply to any operations on State Fair Grounds wherein the State Fair Board shares in the receipts and proceeds of such operations.

Section 4. Subsection (1) of Section 247.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall have exclusive control of concessions, exhibitions, shows, entertainments and attractions at any place on the State Fair Grounds and may, in the discretion of the board, operate any or all of such concessions, exhibitions, shows, entertainments and attractions, but the board shall not allow the operation of any gambling device or game of chance therein. It may delegate such control or operation to any of its employes or agents, or to an executive committee.

Mr. Calvert moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Roscoe Estep	Earl F. Murphy
Henry Arrowood	Herbert Fern	Thomas J. Murphy
J. Everett Bach	Wm. P. Friedlander	Louis T. Peniston
Sidney Baer	Chas. M. Greene	J. F. Robinson
John Rhea Banton	Henry C. Hale	Joe Rouse
Clarence J. Barnum	Eugene B. Hancock	Carl J. Ruh
Owen Billington	George F. Harris	Amos Runyon
Wm. W. Blanton	John Head	Clem Schroader
J. C. Bradley	Farmer Helton	Gus F. Sheehan, Jr.
Ed. T. Breathitt	Thomas D. Hewlett	Dr. B. F. Shields
Edward O. Bridgers	Henry R. Heyburn	John A. Sloan
Thomas L. Britton	E. R. Hilton	Mrs. Thelma Stovall
Mrs. Mary E. Burnete	Chester J. Holsclaw	E. H. (Ted) Stumbo
Alex H. Calvert	William M. Horn	Egbert V. Taylor
Walter J. Chyle, Jr.	William L. Jones	Albert Thomason
Marvin A. Cornett	Jennings Kearby	William F. Threlkeld
R. Josh Cosby	James W. Lambert	J. B. Veech
Charles M. Crowe	Jesse H. Lawrence	Eulick (Mike) Walsh
J. C. Denney, Jr.	Paul M. Lewis	Wm. Thos. Wathen
C. E. Dowell	Harry K. Lowman	L. M. Weathers
James A. Dressman, Jr.	Shelby McCallum	Hicks Wells
Thomas R. Duncan	G. Lee McClain	William B. Wells
R. L. Dunigan	Russell L. Meadows	W. A. (Pete) Wickliffe
Jack Early	Tom Mobley	Charles W. Wirsch
Harold Edwards	Robert H. Moore	Walker H. Wiseman
William Engle	Walter R. Moorman	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

REPORT OF THE ENROLLMENT COMMITTEE

Mrs. Stovall of the Committee on Enrollment, to which the same had been referred, reported that they had examined

and found to be correctly enrolled, bills of the following titles, viz:

H. B. No. 21. AN ACT concerning the levy of license taxes in cities of the first class, the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on advalorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

H. B. No. 62. AN ACT relating to narcotic drugs, amending Section 218.210 of the Kentucky Revised Statutes.

H. B. No. 68. AN ACT to repeal, amend and re-enact Section 382.300, Kentucky Revised Statutes.

H. B. No. 72. AN ACT relating to births and deaths, amending section 213.150 of the Kentucky Revised Statutes.

H. B. No. 73. AN ACT relating to the Kentucky Water Pollution Control Commission.

H. B. No. 74. AN ACT relating to the Workman's Compensation Act authorizing the Tuberculosis Sanatoria Commission to elect to come under the provisions of the Act.

Thereupon, all other business was suspended, said bills was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said billsto the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Dressman moved that the rules be suspended for the purpose of introducing Resolutions & Bills.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and a resolution of the following titles were introduced, viz:

By Mr. Dressman.

H. Res. No. 26. A JOINT RESOLUTION providing for the purchase of the Kentucky Revised Statutes for the use of the Members of the General Assembly.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated out of the Legislative Session Fund a sufficient sum to purchase thirty-five copies of the latest Kentucky Revised Statutes. Twenty-five of these Statutes shall be kept in the Office of the Clerk of the House of Representatives for the use of the members of the House and ten of these Statutes shall be kept in the Office of the Clerk of the Senate for the use of the members of the Senate.

Section 2. Whereas, it is urgent that each member of the General Assembly have, as soon as possible, ready access to the published laws of this state, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Said resolution was ordered printed and referred.

By Mr. Holsclaw.

H. B. No. 251. AN ACT relating to taxation by counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Counties are authorized to levy and collect any and all taxes provided for in Section 181 of the Constitution of the Commonwealth of Kentucky, and to use the revenue therefrom for such purposes as may be provided by the fiscal court.

(2) Nothing in this Act shal be construed to repeal, amend or affect in any way the provisions of KRS 243.060.

(3) This section shall not in any wise, repeal, amend, affect or apply to any existing statute exempting property from local taxation or fixing a special rate on proper classification or imposing a state tax which is declared to be in lieu of all local taxation.

Said bill was ordered printed and referred.

By Mr. Baer.

H. B. No. 252. AN ACT relating to commitment, treatment and custody of sexual psychopaths.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Sexual Psychopaths," means any person, not insane, who, by a course of misconduct in sexual matters, has evidenced such lack of power to control his sexual impulses as to be dangerous to other persons because he is likely to attack or otherwise inflict injury, loss, pain or other evil on the objects of his desire;

(2) "Court" means any circuit, county, justices' or police court within the geographic limits of this state, which has, under the laws governing the jurisdiction and venue of such courts, the right to try persons accused of the offenses set out in this Act and to impose the punishments herein provided;

(3) "Patient," means any person with respect to whom there has been charged, as herein provided, facts tending to show that such person is a sexual psychopate;

(4) "Criminal Proceeding," means a proceeding in any court against a person for a criminal offense and shall include all stages of such a proceeding from the time of issuance of the original warrant, charge or indictment in any court until the completion of the period of probation, if any;

(5) "Psychiatrist," means a duly licensed, reputable and qualified physician who has, for not less than _____ years devoted himself exclusively to the study and treatment of mental and nervous disorders.

Section 2. (1) Whenever it appears to the Commonwealth's attorney, county attorney or police court prosecutor that any person within the jurisdiction of a circuit county court, justices' or police court regardless of whether such person is a defendant in a criminal proceeding, is a sexual psychopath, such officer may file with the clerk of such court a written statement setting forth the facts tending to show that such person is a sexual psychopath.

(2) Whenever it shall appear to any court that any defendant in any criminal proceeding pending in such court is a sexual psychopath, the court may, if it deems such procedure advisabily direct the officer prosecuting therein the file with the clerk of such court a statement in writing setting forth the facts tending to show that such defendant is a sexual psychopath.

(3) Any statement filed in a criminal proceeding or against any person charged with a criminal offense, as authorized by subsections (1) and (2) of this section, may be filed only before trial or after conviction or plea of guilty, in which event, such statement must be filed before completion of probation, if any.

(4) The provisions of this section shall not apply to any person charged in the criminal proceeding with the crimes of rape, attempted rape or murder.

Section 3. A patient charged under the provisions of this Act shall have the right to have counsel of his own choosing at every stage of the proceeding, and it shall be the duty of the court, before the appointment of psychiatrists pursuant to section 4 of this Act, to advise the patient of his right to counsel and to assign counsel to represent him if he so desires unless he is able to obtain counsel for himself or elects to proceed without counsel.

Section 4. (1) When a statement has been filed with the clerk of any court pursuant to section 2 of this Act, such court shall appoint two qualified psychiatrists to personally

examine the patient and each psychiatrist shall file with the court a written report of his examination and findings thereupon. The report shall include a statement of his conclusion as to whether the patient is a sexual psychopath. In such examination, it shall be the duty of the patient to answer questions asked of him by the psychiatrist under penalty of contempt of court.

(2) Counsel for the patient shall have the right to examine the reports of examination of the patient and no such report and no evidence resulting from such examination shall be admissable against him in any judicial proceeding whatsoever, except the proceeding authorized by this Act for the purpose of determining whether the patient is a sexual psychopath.

Section 5. If in their reports, which shall be filed with the court not more than _____ days after service upon the patient or his counsel of a copy of the statement pursuant to section 2 of this Act, either or both psychiatrists states that the patient is a sexual psychopath or that either or both is unable to reach any conclusion with respect thereto by reason of the partial or complete failure or refusal of the patient to submit to a thorough examination or to answer questions, then the court shall conduct a hearing in the manner provided in Section 6 of this Act to determine whether the patient is such a sexual psychopath. If, on the basis of the reports filed, there appears to the court no reason to conduct the hearing herein provided or to continue the pending of the charge against the patient, then such court shall forthwith enter an order dismissing the proceeding.

Section 6. Upon the evidence introduced at a hearing held for that purpose, the court shall determine whether the patient is a sexual psychopath; except, that where a jury trial is demanded by the patient, such determination shall be made upon a jury verdict. Such hearing shall be conducted within ten days after the filing of the report of the psychiatrists provided in Section _____ hereof. The rules of evidence applicable in judicial proceedings generally shall apply to hearings under this chapter, but, however, for purposes of proceedings under this chapter, evidence of the conviction of any number of crimes or offenses, whether felonies or misdemeanors by the patient shall be admissible at such hearings so long as the admission of same

shall tend to prove or disprove that the patient is a sexual psychopath. The patient shall be entitled to an appeal as in other cases. If the patient is found to be a sexual psychopath, the court shall enter an order committing him to such mental institution as may be suitable and equipped for the treatment of sexual psycopaths, there to be confined until released in accordance with Section 7 hereof.

Section 7. Any person committed under this chapter may be released from confinement when the superintendent of the insitution to which he was committed by order the court or when such other person as the Governor of the Commonwealth of Kentucky may direct, finds and certifies that he has sufficiently recovered so as not to be dangerous to other persons, provided, however, that if the person to be released, be one charged with a crime or undergoing sentence therefor, the superintendent of the institution wherein he was confined or such other person as shall have been designated by the Governor, shall give notice thereof to the Judge of the court wherein such criminal charge is pending against him or to the official in charge of the institution wherein he was, prior to confinement hereunder, undergoing sentence. Such notice shall be given not less than ten days prior to the date of such intended release.

Section 8. The filing of a statement under Section II of this chapter shall stay such criminal proceeding as might be then pending against the patient until it is determined that the patient is a sexual psychopath or the proceeding is dismissed or withdrawn or alternatively until the patient is discharged from the institution wherein he was placed pursuant to the hearing conducted under Section 7 of this Act.

Section 9. Nothing in this chapter shall alter or in any wise affect the tests of mental capacity applied in other proceedings under the laws of the Commonwealth of Kentucky.

Said bill was ordered printed and referred.

Mr. Lowman moved that the House do now adjourn, to meet again at 1:00 o'clock p.m., Wednesday, February 6, 1952.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 6, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Paul S. Stauffer, Pastor of the First Christian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Wm. P. Friedlander	Fred H. Morgan
Dr. John Adkins, Jr.	Leslie Gay	Earl F. Murphy
Henry Arrowood	Henry J. Giles	Thomas J. Murphy
J. Everett Bach	Chas. M. Greene	Ewin C. Neville
Sidney Baer	Henry C. Hale	Bart N. Peak
John Rhea Banton	Eugene B. Hancock	Louis T. Peniston
Clarence J. Barnum	George F. Harris	Hobart Rayburn
Owen Billington	John Head	Tipton Reed
Wm. W. Blanton	Farmer Helton	J. F. Robinson
J. C. Bradley	William K. Henry	Earl Rogers
Ed. T. Breathitt	Thomas D. Hewlett	Joe Rouse
Edward O. Bridgers	Henry R. Heyburn	Carl J. Ruh
Thomas L. Britton	E. R. Hilton	Amos Runyon
Mrs. Mary E. Burnete	Ray Holbrook	Cecil Sanders
Alex H. Calvert	Chester J. Holsclaw	Clem Schroader
Walter J. Chyle, Jr.	William M. Horn	Gus F. Sheehan, Jr.
Lewis W. Combest	Paul S. Jonas	Dr. B. F. Shields
Marvin A. Cornett	William L. Jones	John A. Sloan
R. Josh Cosby	Jennings Kearby	E. A. Spencer
Charles M. Crowe	James W. Lambert	Mrs. Thelma Stovall
J. C. Denney, Jr.	Jesse H. Lawrence	E. H. (Ted) Stumbo
C. E. Dowell	Paul M. Lewis	Egbert V. Taylor
James A. Dressman, Jr.	Mrs. J. T. Linton	Albert Thomason
Thomas R. Duncan	Harry K. Lowman	William F. Threlkeld
R. L. Dunigan	William Maglinger	Marion Vance
Jack Early	Shelby McCallum	J. B. Veech
Harold Edwards	Russell L. Meadows	Eulick (Mike) Walsh
William Engle	Tom Mobley	Wm. Thos. Wathen
Roscoe Estep	Robert H. Moore	W. W. Webster
Herbert Fern	Walter R. Moorman	Hicks Wells

William B. Wells Walker H. Wiseman Charles W. Burnley,
W.A.(Pete)Wickliffe Garrett L. Withers Speaker
Charles W. Wirsch —97

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees being as follows: R. O. Blevins, G. Lee McClain, L. M. Weathers, and Morris Weintraub.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills originating in that body as follows, viz:

S. B. No. 80. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals, and making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. (1) Commencing, as to each position of Judge of the Court of Appeals, when the next regular terms of office respectively begin, the compensation of Judges of the Court of Appeals, payable out of the State Treasury, shall be $12,000 per annum.

(2) Commencing as of July 1, 1952, the compensation payable out of the State Treasury to Commissioners of the Court of Appeals appointed pursuant to KRS 21.150 (1) shall be $8,500 per annum. When the compensation provided for in subsection (1) of this section has become effective as to all Judges of the Court of Appeals, the compensation of the Commisisoners shall become $10,800 per annum.

Sec. 2. There hereby is appropriated to the Court of Appeals, out of the General Expenditure Fund in the State Treasury, for the purpose of carrying out the provisions of this Act, the sum of $5,500 for the fiscal year 1952-53 and the sum of

$7,000 for the fiscal year 1953-54, supplementing the regular appropriation to the Court of Appeals for salaries.

Said bill was ordered printed and referred.

S. B. No. 63. AN ACT relating to rules of pleading, practice and procedure, and the forms thereof in civil actions and with limited application, in criminal proceedings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Court of Appeals, by rules promulgated from time to time, shall regulate pleading, practice, procedure and the forms thereof in all civil proceedings in all courts of the state, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge or modify the substantive rights of any litigant. The Court of Appeals shall promulgate the initial rules pursuant to this Act on January 1, 1953, and such rules shall become effective as of that date.

Section 2. Before the initial rules, or any amendments or supplemental rules, may be adopted under the provisions of this Act, copies of the proposed rule or rules shall be distributed to the Bench and Bar of the state for their consideration and suggestions, and the Court shall give due consideration to such suggestions as may be submitted to the court. Any suggestions concerning rules proposed by the Court of Appeals, and any suggestions that may be advanced by interested persons, from time to time, for amendments to existing rules or for new or supplemental rules, shall be submitted to the court through the Judicial Council. The council shall receive and consider all such suggestions and shall report the same to the court, with the recommendations of the council thereon. The court shall conduct a public hearing, to be held not later than three months from the date of distribution of any proposed rule or rules, of which hearing suitable publicity shall be given in advance. At such hearing the Court shall consider any proposal submitted in writing, in advance, by the Kentucky State Bar Association, the Judicial Conference, or any substantial number of members of

the Kentucky State Bar Association joining in the same suggestion. The initial rules and any amendment or supplemental rules shall be printed and mailed, at least ninety days before the effective date, to all members of the State Bar of Kentucky, and such rules may also be distributed at such times and to such other persons as the Court may direct.

Section 3. The Civil Code Committee, created by Chapter 151, Acts of 1950, shall continue as constituted until July 1, 1953. Thereafter, the Court of Appeals shall appoint an advisory committee composed of representative judges and attorneys. Such committees shall perform advisory duties in connection with the promulgation of the rules and amendments thereto as may be directed by the Court of Appeals, and the advisory committee shall be considered a part of the Judicial Council for budgetary purposes.

Section 4. No Act repealing or modifying any section of the Civil Code of procedure or any statute shall be construed by implication to limit the right of the court to promulgate rules from time to time or to supersede, modify or amend any rule so promulgated. Nor shall this Act be construed to limit in any manner the power of the Court of Appeals to make rules governing practice and procedure in the Court of Appeals.

Section 5. The rules of the Court of Appeals shall apply to criminal procedure in all situations where any provision of the Civil Code, superseded by the rules, has heretofore been made applicable to criminal procedure either by express reference or by interpretation.

Section 6. On and after July 1, 1953, all laws relating to pleading, practice and procedure shall be effective as rules of court until modified or superseded by subsequent court rule, and upon the adoption of any rule pursuant to this Act the rule shall take precedence over such laws.

Section 7. The printing and distribution of any rules proposed or promulgated under this Act shall be provided for by the Civil Code Committee and the Statute Revision Commission jointly, and after the Civil Code Committee ceases to exist, by the Statute Revision Commission alone, with the advice and

under the direction of the Court of Appeals. Any such printing shall be governed by KRS 447.090.

Section 8. Whereas, it is essential that the printing and distribution of proposed rules be made in sufficient time to enable thorough consideration by all interested persons before the rules are finally promulgated on January 1, 1953, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

S. B. No. 84. AN ACT amending Section 271.445 of the Kentucky Revised STATUTES.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 271.445 of the Kentucky Revised Statutes be amended by repealing said section in its entirety and enacting in lieu thereof the following:

"271.445 *Amendment of Articles of Incorporation.* (1) A corporation may, at a meeting of the shareholders duly called upon notice of the specific purpose, and in the manner provided in this section and in KRS 271.450 and 271.455, amend its articles in any respect so as to include any provision authorized by this chapter, or so as to add to its corporate purposes or to diminish the same, or both, or substitute other purposes in whole or in part for those prescribed in the original articles or any previous amendment thereto, or so as to extend the period of its duration for a further definite time or perpetually. Provided, however, that an amendment to the articles of incorporation of any corporation whose original period of duration shall have expired subsequent to July 1, 1949, the only effect of which is to extend the period of such corporation's duration, may be made within three years after the expiration of the period of its original duration; and provided further that no such amendment may be made after the expiration of the period of the corporation's original duration unless it continuously has engaged in the usual course of its business and has taken no steps toward dissolution or winding up its affairs previous to the filing of the amended

articles. Any such amendment made after the expiration of the original life of the corporation may be rendered retroactive to, and effective as of, the date of the expiration of its original period of duration, and shall have the effect of ratifying and validating all intervening acts of the corporation if a pronouncement to that effect be incorporated in the amended articles.

"(2) An amendment of the articles of incorporation may be adopted by vote of the holders of a majority of the voting power of all shareholders entitled to vote or by such vote as the articles of incorporation may require, which shall not be less than the vote of the holders of a majority of such voting power.

"(3) If an amendment would alter or change the preferences, special rights or powers given to the holders of shares of any class or classes so as to affect the same adversely, or would increase the number of or would increase or decrease the par value of shares of any class or classes, then the holders of each class of shares so affected by the amendment shall be entitled to vote as a class upon such amendment, whether by the terms of the articles of incorporation such class be entitled to vote or not, and, in addition to the vote required by subsection (2) of this section, the vote of the holders of two-thirds of the shares of each class so affected by the amendment shall be necessary to the adoption thereof.

"(4) The incorporators by signing and acknowledging articles of amendment as provided in KRS 271.450 may adopt an amendment to the articles of incorporation prior to the receiving of any subscriptions for shares, except those subscriptions required to be stated in the articles of incorporation."

Said bill was ordered printed and referred.

The Senate Message further included H. B. No. 36, and H. B. No. 69 of the following titles, viz:

H. B. No. 36. AN ACT relating to time.

With a Senate Amendment thereto.

H. B. No. 69. AN ACT relating to income taxation.

Said bill was ordered delivered to the Enrolling Clerk.

Mr. Maglinger moved that Milton Darell Woodward of Owensboro, Kentucky, be made an Honorary Page of the General Assembly of the 1952 Session.

Said motion was agreed to.

Mr. Sheehan moved that the reading of the Journal of the proceedings of Tuesday, February 5, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced, viz:

By Mr. Sheehan.

H. Res. 27. A JOINT RESOLUTION providing for an investigation, study, and survey by the Constitution Review Commission regarding prosecution in criminal cases on information rather than indictment when the grand jury is not in session.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Constitution Review Commisison is hereby requested and authorized to conduct a thorough and complete investigation, study, and survey regarding the desirability of an amendment to Section 12 of the Constitution of Kentucky which would permit prosecution on information rather than indictment when the grand jury is not in session. Said commission shall submit its report to the regular 1954 session of the General Assembly.

Said resolution was ordered printed and referred.

By Mr. Rayburn.

H. Res. No. 28. A JOINT RESOLUTION authorizing Polly Darnell, administratrix of the Estate of Jessie Myers Darnell, deceased, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Polly Darnell is authorized to sue the Commonwealth of Kentucky in Mason Circuit Court for damages resulting from the death of Jessie Myers Darnell, caused by the alleged negligence on the part of employees of the Commonwealth of Kentucky while said employees were in line of duty as employees of this Commonwealth.

Said suit shall be for a sum not in excess of $25,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the alleged claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the state treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statements in this resolution shall be considered by either the court or jury as an admisison of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument of the jury.

Said resolution was ordered printed and referred to the Committee on Claims.

By Mr. McCallum and Jones.

H. Res. No. 29. A JOINT RESOLUTION providing for erection of a marker at the grave of Matthew Lyon, for the construction of a State Park around and about his burial place, and for the improvement of road by which said burial place is reached, and appropriating the sum of twenty thousand dollars for effecting the purpose hereof, which is the making of the burial place of the said Matthew Lyon a State shrine.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That in tribute to the memory of Matthew Lyon, the State Historical Society is hereby authorized and directed to cause to be erected at his grave a suitable and appropriate marker, and to refurbish his grave and the stone now marking it and also the graves and marking stones of his immediate family descendants; and that the Department of Conservation cause to be laid out around and about said graves a State Park; and that the State Department of Highways be, and it is hereby requested, to suitably and appropriately improve the road, about six-tenths of a mile in length, by which said cemetery is reached, so as to render access easy and convenient; and that for said purposes, that is to say, for the one combined purpose of making said part of said cemetery a shrine for the interest and gratification of all patriotic citizens of Kentucky and the United States, there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of twenty thousand dollars.

Said resolution was ordered printed and referred.

By Mr. Blevins.

H. Res. No. 30. RESOLUTION, authorizing Blanche Kibbey to sue the Commonwealth of Kentucky and the State Highway Commisison (now Department of Highways), either or both.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section I: That Blanche Kibbey be and she is hereby authorized, permitted, and empowered to sue the Commonwealth of Kentucky and Department of Highways, either or both of them, in such sums as will fairly and reasonably compensate her for the injuries and damages, if any, sustained by her as a direct and proximate result of the negligence, if any, of the Department of Highways and Commonwealth of Kentucky, through their agents and employees, in failing to maintain sufficient, proper, and suitable notification or warning signals at said in-

tersection at said time and place, not exceeding, however, the sum of $25,000.00 (Twenty-Five Thousand Dollars) for personal injuries.

Section II: That the action herein authorized and permitted may be brought in the Greenup Circuit Court, same being the Circuit Court having jurisdiction in Greenup County, Kentucky, and being the County in which the injuries and damages were incurred. Said suit shall be commenced within one year from the effective date of this Resolution and no plea of limitation shall be interposed if commenced within that time.

Section III. That any party to said action may appeal from any judgment which may be rendered by the Greenup Circuit Court to the Court of Appeals of Kentucky as in any other civil suit, and the same may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise, the amount so adjudged or compromised shall be paid by the Commissioner of Finance by warrant drawn upon the State Treasurer and paid out of the State Road Fund.

Section IV: No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Said resolution was ordered printed and referred to the Committee on Claims.

By Mr. Friedlander.

H. B. No. 253. AN ACT relating to school teachers, amending section 161.790 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.790 of the Kentucky Revised Statutes is amended to read as follows:

(1) The contract of a teacher shall remain in force during good behavior and efficient and competent service by the teacher and shall not be terminated except for any of the following causes:

(a) Immoral character or conduct unbecoming a teacher;

(b) Inefficiency, incompetency, physical or mental disability or neglect of duty. Marriage of a teacher shall not be cause for termination of the contract.

(2) No contract shall be terminated except upon recommendation of the superintendent and unless the teacher is furnished with a written statement, served on or before March 31st, specifying in detail the charge or charges against said teacher, signed by the proper officer of the Board of Education and naming a date and place at which the teacher may appear before the Board of Education and answer said charge or charges. Said date for the hearing shall not be less than twenty nor more than thirty days after the service of such charges upon the teacher. The teacher shall within ten days after the receipt of the written statement of such charges notify the Board of Education of his intention to appear and answer such charges, and upon failure of the teacher to give such notice the Board of Education may dismiss the teacher by a majority vote and such dismissal shall be final.

(3) Upon receipt of the teacher's notice of intention to appear and answer such charges the Board of Education shall issue such subpoenas as shall be necessary for the determination of the issues involved. The issues shall be heard at the time and place set and the hearing shall be public or private at the discretion of the teacher. Both parties may be represented by counsel and may require the presenec of witnesses upon subpoena. Each witness shall be required to take oath or affirmation before an officer of the Board of Education. The Board of Education shall provide for a stenographic report of the proceedings and furnish the teacher with a copy. Upon completion of both sides of the case the Board of Education may by a majority vote dismiss the teacher or may defer its action for not more than five days.

(4) The Board of Education may, on recommendation of the superintendent, suspend a teacher pending a final action to terminate his contract if, in its judgment, the character of the charges warrants such action. If after the hearing the decisions of the Board is against termination of the contract, the suspended teacher shall be paid his full salary for the period of such suspension.

(5) The teacher shall have a right to make an appeal both as to law and as to fact to the circuit court. If said appeal is not made within thirty days after dismissal, then the decision of the Board of Education shall be final. Such appeal shall be an original action in said court and shall be commenced by the filing of a petition against such Board of Education stating the allegations upon which the teacher relies for a reversal or modification of the order of termination of the contract. Upon service or waiver of summons to said appeal, such Board of Education shall forthwith transmit to the clerk of said court for filing a transcript of the original notice of charges and a certified copy of the decision, finding, or order of such Board, whereupon the cause shall be at issue without pleading and shall be advanced and heard without delay. The trial and hearing of such shall be de novo, and the evidence admissible shall not be limited to the evidence adduced before said Board, but the court shall consider other evidence in addition thereto. Upon final hearing the court shall grant or deny the relief prayed for in the petition, as may be proper under the provisions of KRS 161.720 through 161.810 and in accordance with the evidence adduced at the trial. A jury may be called by either party to decide on conflicting evidence. Either the teacher or the Board of Education may appeal from the action of the circuit court to the Court of Appeals.

Said bill was ordered printed and referred.

By Mrs. Burnett.

H. B. No. 254. AN ACT relating to inspection of State mental institutions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Kentucky Legislative Research Commisison shall conduct periodic inspections of each of the state mental institutions in the Commonwealth and report a summary of its findings in writing to the General Assembly not later than the first week of each of its regular sessions. For the purpose of carrying out the provisions of this Act the Legislative Research Commission is authorized to appoint a subcommittee of not more than eleven members of the General Assembly.

Said bill was ordered printed and referred.

By Mr. Horn.

H. B. No. 255. AN ACT relating to speed limits on certain public roads.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The county court of any county, in respect to any public roads therein which are not in a city, not a part of the county or state highway system, and which are located in residential areas, may prescribe, by notice as provided in subsection (2), speed limits lower than those prescribed in subsection (2) of KRS 189.390, whenever, in its judgment, such lower speed limits are necessary for the safety and welfare of the public.

Section 2. The notice, or substance of it, shall be posted at conspicuous places at the termini of the public road to which it applies, and with reasonable frequency along its entire length. After such notice has been posted, no person shall operate any motor vehicle contrary to its provisions.

Section 3. Any person who violates the provisions of section (2) of this Act shall be fined not less than fifteen dollars nor more than one hundred dollars.

Said bill was ordered printed and referred.

By Mr. Friedlander.

H. B. No. 256. AN ACT relating to Grade Crossings in counties containing a city of the first class.

Said bill is as follows, viz:

H. B. No. 256. AN ACT relating to Grade Crossings in Counties Containing a City of the First Class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The provisions of this Act shall apply only in counties containing a city of the first class.

Sec. 2 (a). Whenever the fiscal court considers it reasonably necessary for the public safety, it may in the manner hereinafter provided, order any railroad company, either steam or electric, owning or operating a railroad in its county, to eliminate any existing grade crossing or change any existing overhead or underpass structure where any county road crosses the railroad tracks of such company.

(b). The fiscal court shall give at least ten days' notice by registered mail to the railroad company of a hearing to be held at a time and place stated in the notice, at which hearing it shall consider whether or not the proposed grade separation or change is reasonably necessary and the most advantageous method of effecting the grade separation or change. In determining whether the proposed grade separation or change is reasonably necessary, the fiscal court shall receive evidence of, and shall consider, all relevant facts, including the present and prospective density of highway traffic and the present and prospective frequency and speed of train movements over the crossing, the adequacy of existing or proposed signals or warning devices for the protection of highway traffic at the grade crossings, the possibility and probability of personal injury to the public using the highway and to employees and passengers of the railroad company and damage to property, and the cost of the grade separation or change in relation to benefits resulting from the proposed construction. If the fiscal court finds that the grade separation or change is reasonably necessary, it shall make an order to that effect and furnish a copy thereof by

registered mail to the railroad company. The order shall specify a general plan for the new or changed grade separation. The order shall direct the railroad company to prepare plans, specifications and estimates of cost for the grade separation or change in accordance with the general plan prescribed by the order, or may provide that the plans, specifications and estimates of cost shall be prepared by the county if the grade separation structure shall pass over the railroad tracks. The plans, specifications and estimates of cost may, if requested by any public utility, provide facilities for such public utility.

(c). Within ninety days after the entry of an order directing a grade separation or change, and the preparation of plans, specifications and estimates of cost by the railroad company, the railroad company shall present to the fiscal court plans, specifications and estimates of cost for the grade separation or change, including the necessary approaches thereto.

(d). After receipt of the plans, specifications and estimates of cost from the railroad company the fiscal court shall give at least ten days' notice by registered mail to the railroad company of a time and place for final hearing with respect to the grade separation or change. If the fiscal court elects to prepare plans, specifications and estimates of cost, it shall furnish copies thereof to the railroad company prior to or at the time it gives notice of a final hearing. At the final hearing the fiscal court shall consider whether or not the plans make reasonably adequate provision for present and future safety and convenience of highway traffic and present and future safety and efficiency of operation of trains of the railroad company, its employees and passengers, and for the development of highway and railroad facilities, and shall approve or modify the plans and specifications. It shall then consider and determine the method of doing the work, whether by the railroad company or by the county, or partly by one and partly by the other, and whether by contract or by the employees of the county or the railroad company, or both, or by any combination of these methods, and if by contract, the method and manner of advertising for bids, the time and place of opening the bids, the time when work shall be begun and completed, and all similar matters of an administrative nature. The fiscal court shall embody its con-

clusions in a final order, a copy of which shall be sent by registered mail to the railroad company.

(e). The fiscal court may reject or order the rejection of all bids submitted for the work, or any part thereof, and require a readvertisement for bids. The fiscal court may reject all bids and elect to do the work itself, or partly by itself and by the railroad company, or by contractors, or by a comination of these methods. If the work includes a structure to support the railroad tracks, the railroad company shall have the right to supervise the construction of that part of the work. If the fiscal court elects to do the work itself there shall not be charged to the railroad company any sum in excess of that it would have been required to pay had the contract been let to the lowest bidder.

In all cases where the work is let by the railroad company on contract, the work shall be done under the general supervision of the County Road Engineer.

(f). The cost of all work incident to or occasioned by the elimination of the grade crossing and the construction of a substituted crossing, or the reconstruction of an existing overhead or underpass structure, including, without limitation of the generality of the foregoing, the cost of preparing plans and specifications, the cost of acquisition of necessary property and property damage, if any, the construction of approaches, drainage structures, and streets and pavements, shall be paid in the proportion of 15 per cent by the railroad company and 85 per cent by the county; provided, however, that the cost of any facilities provided at the request and for the benefit of any public utility shall not be considered to be apart of the cost of the work for the purpose of this Section 2, but shall be paid by such public utility in such manner and at such time as the fiscal court shall, by order, direct, or as may be agreed by contract between the fiscal court and such public utility.

As the work progresses the fiscal court shall furnish to the railroad company, and the railroad company shall furnish to the fiscal court, a monthly statement showing in detail all amounts expended in connection with the work. On or about the fifteenth of each month, the County Road Engineer shall prepare a state-

ment showing the total amount expended to the close of the preceding month, the amount paid or expended by each party up to that time, and the amount due from the county to the railroad company or from the railroad company to the county. Upon receipt of the statement each party shall pay to the other the amounts shown to be due thereby.

All payments made on such monthly statements shall be considered only payments on account, and upon final completion of the work the County Road Engineer shall prepare and furnish to the railroad company a statement showing the total cost of the work, the amount paid or expended by the county or the railroad company, and the amount due from one to the other. Each party shall be afforded reasonable opportunities to verify the statements of expenditures by the other, and the balance due as certified by the County Road Enginner in his final statement shall be paid by one party to the other promptly upon receipt of such final statement.

(g). The fiscal court and any railroad company may agree by contract as to the method of eliminating any grade crossing or changing any existing overhead or underpass structure. In event of such agreement all notices, hearings and proceedings shall be deemed to have been waived, and the work of eliminating the grade crossing or making the change shall be performed in accordance with the terms of the contract, with the same effect as though the work were being performed pursuant to a final order of the fiscal court.

Sec. 3(a). After the effective date of this Act, if the fiscal court proposes to construct a new county road across an existing railroad, or a railroad company proposes to construct a new railroad across an existing county road, the party proposing such construction shall provide the other party with plans and specifications for its proposed construction, showing the location thereof, and, if the proposed crossing is to be separated, a general plan for such separation. The fiscal court shall give at least ten days' notice of a hearing to be held at a time and place stated in the notice, at which hearing it shall consider whether the proposed crossing shall be approved and whether a grade separation is reasonably necessary for the present and future safety and convenience of highway traffic and present and future

efficient operation of the railroad company's facilities and the safety of its employees and passengers, and in accordance with the standards prescribed for grade separations in Section 2 hereof.

If the fiscal court shall find that a grade separation is reasonably necessary at such proposed crossing, it shall approve, or provide for the submission and subsequent approval of, plans and specifications for the grade separation. The determinations of the fiscal court shall be by order, and its final determination shall be by final order, which shall fix the method of doing the work in the manner provided in Section 2(d) hereof, and which shall be served on the railroad company by registered mail. If the fiscal court orders a grade separation at such proposed crossing, the entire cost of such separation shall be borne by the party proposing the crossing.

(b). If a grade crossing has been created by the construction of any railroad or county road between December 31, 1951, and the effective date of this Act, and the fiscal court desires to consider a separation thereof it shall, within a reasonable time, proceed by a hearing as provided in subsection (a) of this section.

If the fiscal court shall find that a grade separation is reasonably necessary at such crossing, it shall approve, or provide for the submission and subsequent approval of, plans, specifications and estimates of cost for the grade separation, and shall determine whether the entire cost of the crossing should equitably be imposed on the party creating such crossing, or whether and in what proportion such cost shall be apportioned between the county and the railroad company on an equitable basis, after consideration of all relevant facts, and the relative responsibilities of, and benefits accruing to, each party from such separation of grades, including consideration of adequate provision for future development of highway or railroad facilities. The determinations of the fiscal court shall be by order, and its final determination shall be by final order, which shall fix the method of doing the work in the manner provided in Section 2(d) hereof, and which shall be served on the railroad company by registered mail.

(c). The fiscal court and the railroad company may agree

by contract as to the method of constructing grade separations under this section and the distribution or allocation of cost thereof, under this section, and in such event, all notices, hearings and orders shall be deemed to have been waived, and the construction of the crossing shall be performed in accordance with the terms of the contract, with the same effect as though the work was being performed pursuant to a final order of the fiscal court.

Sec. 4. All contracts let by the railroad company under this Act shall be submitted to and approved by the County Road Engineer.

Sec. 5. After the construction of any grade separation under this Act, the county shall maintain the roadway paving and sidewalks. If the road crosses the railroad by an overhead bridge or elevated structure, the county shall maintain the bridge or structure and its approaches. If the road passes under the railroad tracks, the railroad company shall maintain the structure supporting its tracks and its abutments.

Sec. 6(a). Any railroad company dissatisfied with a final order of the fiscal court directing the elimination of any existing grade crossing or change of existing overhead or underpass structure under Section 2 hereof, or a final order in respect of a new crossing under Section 3 hereof, may, within twenty days after receipt by the railroad company of a copy of the order, attested by the clerk of the fiscal court, file in the clerk's office of the circuit court of the county, together with a statement of the reasons why the order should not be enforced. On the filing of a copy of the order and the statement, the circuit clerk shall issue summons thereon in the same manner as summons is issued in equity actions in the circuit court. The trial of all appeals under this section shall be by a chancellor and shall take precedence of all other civil business in the circuit court, and the evidence shall be taken by depositions or as the circuit court may direct.

(b). On the hearing of the appeal, the circuit court shall determine whether the construction required by such final order is reasonably necessary for the public safety, whether the

plans and specifications prescribed by such order make reasonably adequate provision for present and future safety and convenience of highway traffic and present and future safety of operation of trains of the railroad company, its employees and passengers, and for future development of highway and railroad facilities. If the appeal be from a final order of the fiscal court made pursuant to Section 3 hereof, the circuit court shall further determine whether the cost of the grade separation was equitably imposed on one party or equitably apportioned between the county and the railroad company.

(c). Upon submission of the case, the circuit court shall embody its findings and conclusions of law in a final judgment, which may enjoin the fiscal court from enforcing its order, or direct the railroad company to proceed with the work in accordance with the order of the fiscal court, or in accordance with other plans and specifications prescribed by the court, and, if the appeal be from a final order under Section 3 hereof, shall impose the cost of the work on the county or on the railroad company, or distribute or apportion the cost of the work to and between the county and the railroad company.

Sec. 7. Either the county or the railroad company dissatisfied with the final judgment of the circuit court may appeal to the Court of Appeals in the same manner as appeals are taken in other civil cases, except that no appeal bond shall be required. In all such appeals the record must be filed in the office of the Clerk of the Court of Appeals not later than sixty days after the entry of the judgment in the circuit court. All cases appealed under this section to the Court of Appeals shall be immediately docketed. The appellant shall file its brief within fifteen days after the appeal is docketed, and the appellee shall file its brief within fifteen days thereafter. Thereupon the case shall be advanced and submitted.

Sec. 8. If any railroad company fails to comply with any order of the fiscal court issued under authority of this Act or with a final judgment of the circuit court or Court of Appeals, the county through its fiscal court may cause to be instituted in the circuit court of the county an action to compel compliance with the order by mandatory process of the court.

Sec. 9. Whereas, railroad companies are planning immediate and substantial construction of new trackage in Jefferson County; now

Therefore, an emergency is declared to exist, and this Act shall become effective from and after its passage and approval by the Governor.

Said bill was ordered printed and referred.

By Mr. Runyon and Hale.

H. B. No. 257. AN ACT relating to the appointment of a stenographer to the Commonwealth attorney in counties containing a city of the second class, and in any county which constitutes a separate judicial district, and providing compensation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.105 of the Kentucky Revised Statutes, is amended to read as follows:

In counties containing a city of the second class, and in any county which constitutes a separate judicial district, the Commonwealth's attorney may appoint a stenographer for a term of four years, subject to removal at any time by the Commonwealth's attorney. The stenographer shall do stenographic work for the Commonwealth's attorney and perform such other duties assigned to him by the Commonwealth's attorney, and shall have the same power of administering an oath as a notary public. The stenographer may receive an annual salary of not less than fifteen hundred dollars, nor more than eighteen hundred dollars, to be paid by the fiscal court out of the county levy in equal monthly installments, except that in a county which constitutes a separate judicial district an annual salary of twelve hundred dollars to twenty-four hundred dollars shall be paid. In judicial districts which contain one or more other counties in addition to the county containing a city of the second class, each county shall pay a proportionate part of the salary of the stenographer, in proportion to the amount of work attributable to each

county, the proportion being certified by the Commonwealth's attorney; and provided same is approved by the fiscal courts of such counties.

Said bill was ordered printed and referred.

By Mr. Cornett.

H. B. No. 258. AN ACT relating to the offices of Commonwealth's and county attorneys.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.510 of the Kentucky Revised Statutes is amended to read as follows:

Each Commonwealth's attorney shall receive a salary out of the State Treasury of six thousand dollars per year. He shall receive no part of any fines or forfeitures. Counties shall have the same authority to allow and pay additional compensation to the Commonwealth's attorney as is conferred by KRS 69.500 with respect to circuit judges, within the constitutional limit on the compensation of local offices.

Section 2. Section 69.250 of the Kentucky Revised Statutes is amended to read as follows:

Each county attorney shall receive a salary out of the county treasury of five thousand dollars per year. He shall receive no part of any fines or forfeitures.

Section 3. Sections 69.050 and 69.260 of the Kentucky Revised Statutes are repealed.

Said bill was ordered printed and referred.

By Mr. Stumbo.

H. B. No. 259. AN ACT relating to motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) As used in this Act, unless the context requires otherwise:

(a) "New motor vehicle" means a motor vehicle owned by its original purchaser from an authorized dealer.

(b) "Used motor vehicle" means a motor vehicle owned by one other than its original purchaser from an authorized dealer.

(2) None of the provisions of this Act shall apply to motor vehicles engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity.

Section 2. The Department of Revenue shall furnish the county court clerks with certificates of ownership to be issued only by said clerks. Certificates of ownership shall be in quadruplicate with carbon paper inserted. The original shall be on safety paper, blue for new motor vehicles and brown for used motor vehicles. The face of the certificates of ownership and two copies shall provide space for the designation of the owner. The reverse shall provide space for listing of liens and at least two transfers. The third copy shall be marked "For Identification Only" and shall show only the owner's name, address and description of vehicle. Certificates of ownership for new motor vehicles shall be numbered serially and certificates of ownership for used motor vehicles shall be unnumbered, but space for number provided. The clerk shall always assign the same number to the same motor vehicle each time a new certificate of ownership is issued and when a motor vehicle ceases to exist, the number shall remain unused for at least ten years. The original shall be delivered to the lien holder, if any, and if none, to the owner, the first copy to be filed by the clerk, the second copy to be sent to the Department of Revenue and the third copy to be delivered to the owner and carried by him always as evidence of ownership.

Section 3. When application is made for registration of any motor vehicle for the registration year 1953, the clerk shall then issue the certificate of ownership provided for in Section 2 and shall endorse thereon all liens or mortgages on said motor vehicle of record in his office and all other liens or mortgages shown to exist by the sworn statement of the owner. A properly endorsed certificate shall be issued for a motor vehicle at the time of its initial sale by an authorized dealer. Thereafter no sale or transfer of any motor vehicle shall be made unless

such sale or transfer be entered on the certificate of ownership or on a new certificate of ownership by the clerk who issued the original certificate or by a clerk to whom the records on such motor vehicle have been transfererd as hereinafter provided. No motor vehicle shall be registered for licensing for the registration year 1954 or thereafter without the presentation of a certificate of ownership for such vehicle.

Section 4. Upon presentation of a chattel mortgage or a conditional sales contract (and the recording fee) along with a certificate of ownership or the original bill of sale on new motor vehicle for which no certificate has been issued, the clerk shall record the lien and insert the lien upon the certificate of ownership. His certificate of ownership records shall be marked likewise. Only the clerk who issued the certificate of ownership or the clerk to whom the certificate of ownership records have been transferred as hereinafter provided shall be authorized to enter liens, mortgages or encumbrances upon a certificate of ownership. A lien to be valid must be both recorded in the clerk's office and listed on the certificate of ownership.

Section 5. It shall be the duty of the lienor to release within a reasonable period of time, after satisfaction thereof, liens recorded by clerks and listed on certificates of ownership. The certificate of ownership shall be presented simultaneously with the release and it shall be the duty of the clerk to return certificate of ownership to its rightful holder.

Section 6. No clerk shall issue a duplicate of certificate of ownership except the clerk issuing the original certificate of ownership, unless records have been transferred to him as hereinafter provided. Any duplicate issued must bear the same number as the original and must be clearly marked duplicate. The duplicate must bear the same listing of liens and encumbrances as the lost certificate of ownership. No duplicate certificates of ownership shall be issued unless the request is accompanied by certificate of inspection by state police officer as to ownership and by the affidavit of loss required by present law.

Section 7. The clerk who issued the preceding certificate of ownership shall upon request by the holder of such certificate or a purchaser therefrom furnish a certified copy of the cer-

tificate of ownership file to the clerk of a different county. In which case, the original clerk shall mark his files transferred to the new county and shall thereafter refer all matters pertaining to the ownership or encumbrance of said motor vehicle to the new clerk.

Section 8. Any clerk who issues a certificate of ownership, or endorses a sale or transfer on a certificate, or endorses a lien, mortgage, or other encumbrance on a certificate, or transfers a certificate of ownership file to another county shall receive a fee of two dollars for his services. Any clerk who issues a duplicate certificate of ownership shall receive a fee of two dollars and fifty cents for his services. Provided, no authorized motor vehicle dealer shall be required to pay the fee for the endorsement of a sale or transfer.

Section 9. Any person who falsely represents by his sworn statement the existence or amount of any encumbrance on a motor vehicle for which he is applying for a certificate of ownership shall be fined not less than $500 nor more than $5,000 or imprisoned in the county jail for not more than one year, or both.

Said bill was ordered printed and referred.

By Mr. Gay.

H. B. No. 260. AN ACT providing for per diem forjustices of the peace serving on county road committees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In counties where the fiscal court controls and supervises the county roads through a committee of its members, the justices of the peace serving on that committee shall be paid out of the county treasury six dollars for each day of actual service; but no justice of the peace shall receive such per diem for more than fifteen days in any one calendar year.

Said bill was ordered printed and referred.

By Mr. Bridgers and Baer.

H. B. No. 261. AN ACT to limit the liability of off-street garage, parking lots, parking ramps, or parking spaces for personal property or other articles left in parked vehicle.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section (1) "Public parking facility" means any off-street garage, parking lot, parking ramp or parking space which is open to the public or the customers of the proprietor of such public parking facility, and regardless of whether a parking space is provided free or for a consideration.

"Proprietor" means the proprietor, owner, manager, lessee or operator of a public parking facility.

Section (2) The proprietor of a public parking facility shall not be liable for the loss or damage to any article of personal property not properly belonging to the equipment of a motor vehicle which is left in a motor vehicle parked in such public parking facility unless the owner or operator of such motor vehicle shall have given prior written notice that such article has been left in such motor vehicle, and obtained from the proprietor, his agents, servants or employees a written acknowledgement or receipt of such notice. Such notice and acknowledgement must show the description and the value of the articles left in such motor vehicle, but in no case shall the proprietor of a public parking facility be obligated to receive a motor vehicle containing such articles.

The proprietor of a public parking facility shall post at least two (2) cards containing a copy of this Section in not less than 12 point black face type in a conspicuous place on such public parking facility as a condition of invoking this Section in any action for damages.

Said bill was ordered printed and referred.

By Mr. Barnum.

H. B. No. 262. AN ACT concerning the placing of fire hydrants in the public ways in cities of the first class; the letting of contracts therefor and the apportionment of costs therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 93.380 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The legislative body of any city of the first class may, by ordinance, on recommendation of the director of works, cause the installation of fire hydrants in the public ways.

(2) In the ordinance providing such installation of fire hydrants the city legislative body may authorize the city to do the work with its own forces and equipment or by subcontract with another public corporation or governmental agency, as well as by contract with private individuals or corporations in accordance with Section 93.080 of the Kentucky Revised Statutes. In such case the city shall prepare, prior to the opening of bids, an estimate of costs for the work, which estimate shall be read publicly at the time of opening the bids for the work, and which estimate must be itemized in the same classification as the bids. If the city's estimate is lower than any of the valid bids received, the city may then do the work with its own forces and equipment or by subcontract as provieded above and the costs as stated in the city's estimate shall not be exceeded in apportioning the cost thereof among the benefited property owners.

(3) The cost shall be apportioned by the director of works exclusively against the owners of lots fronting the public ways to the middle of each square, from the intersection at or near which the work is located, according to the number of square feet in the lots, or in any other equitable mode of apportionment which the city legislative body may prescribe by ordinance.

Said bill was ordered printed and referred.

By Mr. Denney.

H. B. No. 263. AN ACT relating to game and fish.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(5) Any resident of this state who is sixty years of age or older may, without a hunting or fishing license, do any act authorized by such a license, but while so doing he must carry on his person an affidavit stating the year and place of his birth.

Said bill was ordered printed and referred.

By Mr. Hale, Rogers, Holbrook, Vance, Gay, Stumbo, Wells and Denney.

H. B. No. 264. AN ACT proposing an amendment to the Constitution of Kentucky relating to the issuance of State bonds for the purpose of enabling payment of a bonus to war veterans and imposing additional taxes on pari-mutuels, malt beverages, and distilled spirits.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended by the enactment of a new section, to read as follows:

The Sinking Fund Commission shall upon the adoption of this amendment proceed to issue and sell, from time to time, bonds of the Commonwealth of Kentucky in such amounts of face value as it may deem necessary to provide the funds, or such part thereof, as may be required to pay the compensation and the expenses of administering this section as herein provided for, notwithstanding the limitation of indebtedness in section 49, or of any other section of the Constitution of the Commonwealth of Kentucky. The full faith and credit of the Commonwealth of Kentucky is hereby pledged for the payment of such bonds. All bonds so issued shall be retired within fifteen years. All bonds so issued shall bear such interest as the Sinking Fund Commission may fix, which interest shall be payable semi-

annually. The bonds may, at the option of the Sinking Fund Commission, be issued subject to call on any interest payment date at par and accrued interest. All sales of such bonds by the Sinking Fund Commissioner shall be in accordance with such regulations as it shall make and promulgate, provided, however, that such bonds shall be sold only to the highest bidder or bidders therefor after notice of such sale shall have been published once each week for three consecutive weeks on the same day of each such weeks, the first of such notices being published at least twenty-one full days before the date of sale, in a newspaper of general circulation in each of the eight most populous counties of the Commonwealth of Kentucky, and provided that each of such published notices shall state the day, hour and place of the sale, the total face value of the bonds to be sold, their denominations, dates, and the dates of their maturities, information relative to the rates of interest which the bonds will bear, and the dates upon which interest will be payabale. The Sinking Fund Commission shall have the right to reject any or all bids and to re-advertise and re-offer bonds for sale. The proceeds of the sale from all bonds shall be paid into the treasury into a fund to be known as the War Bonus Fund.

During the period of fifteen years beginning January 1, 1953 the state treasurer shall, without appropriation thereof by the General Assembly, transfer into a War Bond Retirement Fund the tax monies received from the taxes hereinafter levied.

The following taxes are hereby levied and shall be in addition to all other taxes levied now or hereafter within the period during which bonds issued pursuant to the provisions of this section shall be outstanding, by or pursuant to law or any provision of the Constitution of the Commonwealth of Kentucky:

(1) An excise tax is imposed on every person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to ten percent of the total amount of all money deposited in pari-mutuel pools or similar pools (including any pool, such as daily double pool), even though tickets sold for such a pool are not vended by

a mechanical or electrical devise nor the totals of such a pool computed and determined by a totalizator.

(2) There is levied upon the sale or distribution by sale or gift of malt beverages an excise tax of one dollar on each barrel of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container or less than thirty-one gallons.

(3) There is levied upon the sale or distribution by sale or gift of distilled spirits a tax of $1.50 on each standard size barrel and a proportional rate per gallon on distilled spirits sold or distributed in any container of more or less than one gallon.

The War Bonus Fund shall be paid out upon order of the Sinking Fund Commission, without appropriation by the General Assembly, in payment of expenses of administering this section, and as compensation as follows: Every person who shall have served in active duty in the armed forces of the United States at any time between April 6, 1917 and November 11, 1918 or between December 7, 1941, and September 2, 1945, and who, at the time of commencing such service, was and had been a resident of Kentucky for at least one year immediately preceding the commencement of such service, and who shall have been separated from such service under conditions other than dishonorable, or who is still in such service, or who has been retired, and who was in such service for a period of at least ninety days, shall be entitled to receive compensation of ten dollars for each month during which such person was in active domestic service and fifteen dollars for each month during which such person was in active foreign service within said period of time; Provided, however, that any person who was serving in active duty in the armed forces of the United States within the aforementioned dates, and who did not serve at least ninety days thereafter because of a service connected injury or death shall be deemed to have served at least ninety days within the requird period of time; and provided, further, that the maximum amount of compensation payable under this section shall not be in excess of five hundred dollars; and provided, further, that no compensation shall be paid under this section to any person who shall have received from another state a bonus or compensation

of like nature as is provided under this section. Compensation for a fraction of a month of service shall be paid on the basis of one-thirtieth of the above monthly amounts for each day of such service. Service in the merchant marine of the United States shall not be considered for the purpose of this section. "Domestic service" as used herein means service within the continental limits of the United States (except Alaska). "Foreign Service" as used herein means service in all other places, including sea duty.

Either the surviving husband or wife, or the surviving child or children, or the surviving parents or parent, of a deceased person shall be paid the same amount of compensation that such deceased person would be entitled to receive under this section, if living; provided, however, that if such deceased person's death was service-connected and in line of duty, his survivors as hereinbefore designated, shall be paid five hundred dollars regardless of the amount of compensation which such deceased person would be entitled to receive under this section, if living; provided, further, that the amount of compensation payable to such survivors of such deceased person shall be payable only to one of the three groups of survivors hereinbefore designated in the order in which said groups are herein named; and provided further, that the surviving husband or wife of more than one deceased person who would be entitled to receive compensation under this section, if living, shall be paid only that amount of compensation payable by reason of the first of the deaths of such deceased persons.

No sale or assignment of any right or claim to compensation under this section shall be valid, no claims of creditors shall be enforceable against rights or claims to or payments of compensation under this section, and no fees shall be charged for services in connection with the prosecution of any right or claim to compensation or the collection of any compensation under this section.

There is hereby created a War Bonus Commission which shall consist of five members appointed by the Governor; provided, however that appointments to the commission, including appointments of successors and appointments to fill vacancies, shall be so made that at all times one member of the commission

shall be a person recommended for appointment by the American Legion, one member, shall be a person recommended for appointment by the Veterans of Foreign Wars, and one member shall be a person recommended for appointment by the Disabled American Veterans. The War Bonus Commission shall adopt and promulgate regulations governing their procedure in connection therewith, including determinations as to who are proper beneficiaries and the amounts to which such beneficiaries are entitled, determinations as to whether an applicant has the necessary residence requirements, and such other regulations as it may deem necessary and proper; provided, however, that all applications for payment of compensation under this section shall be made to the War Bonus Commisison before January 1, 1954.

The War Bonus Commission shall select and appoint such legal counsel and employes as it may deem necessary, fix their compensation and prescribe their duties, and all such appointees shall serve at its pleasure.

Upon the retirement of all of the bonds that may be issued hereunder and the payment of all valid claims for compensation made within the limitation of time as prescribed herein, the Sinking Fund Commission shall make a final report to the General Assembly and any balance remaining in any of the funds herein created and referred to shall be disposed of as shall be provided by law.

Section 2. The above amendment shall be submitted to the voters at the time and in the manner provided for under Section 256 and 257 of the Constitution and section 118.430 of the Kentucky Revised Statutes.

Said bill was ordered printed and referred.

By Mr. Thomas J. Murphy.

H. B. No. 265. AN ACT to facilitate vehicular traffic in the Commonwealth of Kentucky by providing for the construction, maintenance, repair and operation of bridges: providing for the creation of bridge commissions in cities of the first class and conferring powers and imposing duties upon said commissions; providing for financing the construction of such bridges by

the issuance of revenue bonds of said cities, payable solely from tolls and other revenues: providing that no debt of said cities shall be incurred in the exercise of any such powers; providing for the reversion of certain existing bridges: providing for the collection of tolls and other revenues from all such bridges to pay such bonds and the interest thereon and the cost of maintenance, repair and operation; providing for the issuance of revenue refunding bonds; exempting from taxes all such bridges and bonds and repealing KRS 181.010 (3) and 181.300 to 181.500, inclusive, relating to bridge commissions in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. **Bridge commissions in first-class cities.**—Any city of the first class may, by ordinance, create a bridge commission consisting of the mayor and four persons appointed by the mayor with the approval of the board of aldermen. Each appointee shall be at least twenty-five years of age. The original appointees shall serve for terms expiring on January 1, in the fourth year following their appointments, and until their respective designated successors shall be duly appointed and qualified. Their successors shall be appointed for one, two, three and four years, respectively. Thereafter the appointments shall be for four-year terms. A member of the bridge commission shall be eligible for reappointment. Not more than two appointees shall be members of the same political party. Vacancies shall be filled for unexpired terms in the same manner as the original appointments. Each appointed member of the bridge commission before entering upon his duties shall take an oath to administer the duties of his office faithfully and impartially, and a record of each oath shall be filed in the office of the director of finance of the city. No officer or employee of the city, whether he receives compensation or not, shall be appointed to the bridge commission.

The bridge commission shall constitute a public instrumentality under the name of (insert name of city) Bridge Commission and the exercise of the powers conferred by this Act shall be

deemed and held to be the performance of essential municipal functions. The commission shall elect a chairman and a vice chairman from its appointed members, and a secretary-treasurer who need not be a member of the commission. The chairman, vice chairman and secretary-treasurer shall serve as such officers at the pleasure of the commission. Three members of the commission shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

The members of the commission except the mayor shall receive such compensation as may be fixed in the ordinance creating the commission but the maximum compensation of the chairman in any year shall not exceed $2500 and of each other member shall not exceed $500. The commission shall fix or change the compensation of the secretary-treasurer in its discretion.

Section 2. **Definitions.**—As used in this Act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:—

(a) The word "city" shall mean any city of the first class for which a bridge commission shall be appointed under the provisions of Section 1 of this Act.

(b) The word "commission" shall mean any bridge commission created under the provisions of Section 1 of this Act, or, if any such commission shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the commission shall be given by law.

(c) The word "bridge" shall include the substructure and superstructure, overpasses, underpasses, entrance plazas, toll houses, administration, storage and other buildings and facilities, all equipment therefor, and such approaches and approach highways as may be determined by the commission to be necessary to facilitate the flow of traffic or to connect such bridge with the highway systems or other traffic facilities in the vicinity of

such bridge, together with all property, rights, easements and interests which may be acquired by the commission for the construction or operation of such bridge.

(d) The word "cost" as applied to a bridge shall embrace the cost of construction, the cost of the acquisition of all land, rights of way, property, rights, easements and interests acquired by the commission for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the commission, for a period not exceeding one year after completion of construction, cost of traffic estimates and of engineering, financial and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such bridge, administrative expenses, and such other expenses as may be necessary or incident to the construction of the bridge, the financing of such construction and the placing of the bridge in operation. Any obligation or expense incurred by the city in connection with any of the foregoing items of cost may be regarded as a part of such cost and reimbursed to the city out of the proceeds of revenue bonds issued under the provisions of this Act.

Section 3. **General grant of powers.**—The commission is hereby authorized and empowered:—

(a) to adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) to adopt an official seal and alter the same at pleasure;

(c) to maintain an office at such place or places within the city as it may designate;

(d) to sue and be sued in its own name, plead and be impleaded;

(e) to construct, improve, maintain, repair and operate bridges within or partly within and partly without the corporate

limits of the city, including interstate bridges, at such locations as may be determined by it;

(f) to issue bridge revenue and bridge revenue refunding bonds of the city as hereinafter provided, such bonds being payable solely from the tolls and revenues pledged for their payment;

(g) to combine for financing purposes any two or more bridges hereafter constructed or operated by it;

(h) to fix and revise from time to time and charge and collect tolls for transit over each bridge constructed or operated by it;

(i) to establish rules and regulations for the use of any such bridge;

(j) to acquire, hold and dispose of real and personal property, in the name of the city, in the exercise of its powers and the performance of its duties under this Act;

(k) to enter upon any lands and structures and upon lands under water, to make surveys, borings, soundings or examinations as it may deem necessary or convenient for the purposes of this Act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending; provided, however, the commission shall make reimbursement for any actual damage resulting to such lands, structures and lands under water as a result of such activities;

(l) to enter upon, use, occupy and dig up any street, alley, road, highway or other public places necessary to be entered upon, used or occupied in connection with the construction, improvement, maintenance, repair or operation of any bridge;

(m) to make and enter into contracts and agreements for the construction of any bridges, with or without public letting, as it may determine will best effect the purposes of this Act;

(n) to make and enter into contracts and agreements with the Commonwealth or with other states or with political subdivisions or agencies of any thereof with reference to any matter

within the jurisdiction of such contracting party and to make and enter into all other contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this Act;

(o) to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

(p) to receive and accept from any federal agency grants for or in aid of the construction of any bridge, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and

(q) to do all acts and things necessary or convenient to carry out the powers expressly granted in this Act; provided, however, the commission shall not exercise any power given it to bind the commission beyond the extent to which moneys shall have been provided under the provisions of this Act.

Section 4. **Acquisition of property.**—The commission is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Act, such lands, structures, property, rights, rights of way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, as it may deem necessary or convenient for the construction or operation of any bridge, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the city for the use and benefit of the commission.

Whenever a reasonable price can not be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the commission is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, rights, rights of way, franchises, easements and other property,

including public lands, parks, playgrounds, reservations, highways or parkways, or parts thereof or rights therein, of any person, co-partnership, association, railroad, public service, public utility or other corporation, or municipality or political subdivision deemed necessary or convenient for the construction or the efficient operation of any bridge or necessary in the restoration of public or private property damaged or destroyed. Any such proceedings shall be conducted in the name of the commission, and the compensation to be paid shall be ascertained and paid, in the manner provided by the Constitution and laws of the Commonwealth then applicable which relate to condemnation or to the exercise of the power of eminent domain by cities of the first class. Title to any property acquired by the commission shall be taken in the name of the city for the use and benefit of the commission. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the commission shall impose any liability upon the city or commission except as may be paid from the funds provided under the authority of this Act.

If the owner, lessee or occupier of any property to be condemned shall refuse to remove his personal property therefrom or give up possession thereof, the commission may proceed to obtain possession in any manner now or hereafter provided by law.

With respect to any railroad property or right of way upon which railroad tracks are located, any powers of condemnation or of eminent domain may be exercised to acquire only an easement interest therein which shall be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed bridge nor any part thereof, including abutments, columns, supporting structures and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances or other property of

the railroad nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or right of way, plans and specifications of the proposed bridge showing compliance with the abovementioned above or below grade requirements and showing sufficient and safe plans and specifications of such overhead or undergrade structure and appurtenances shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within thirty days to approve the plans and specifications so submitted, the matter shall be submitted to the Department of Works of the city whose decision, arrived at after due consideration and with an opportunity to the railroad to be heard, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the tracks. Said overhead or undergrade structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracks so approved by the railroad or the Department of Works of said city as the case may be. A copy of the plans and specifications approved by the railroad or the Department of Works of said city shall be filed as an exhibit with the petition for condemnation.

The Commonwealth hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the commission to be necessary for the construction or operation of any bridge.

Section 5. **Bridge revenue bonds.**—The commission is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of bridge revenue bonds of the city for the purpose of paying all or any part of the cost of any one or more bridges. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding five per centum per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the commission, and may be made redeemable before maturity, at

the option of the commission, at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds. The commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the chairman of the commission or shall bear his facsimile signature, and the seal of the commission or a facsimile thereof shall be affixed thereto and attested by the secretary-treasurer of the commission, and any coupons attached thereto shall bear the facsimile signature of said chairman. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments laws of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The commission may sell such bonds in such manner and for such prices it may determine will best effect the purposes of this Act.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the bridge or bridges for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the commission may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the

resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The commission may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth or of the city, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Act.

Section 6. **Trust agreement.**—In the discretion of the commission any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage any bridge or any part thereof. Such trust agreement or resolution may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the bridge or bridges for the use of which tolls shall be charged under the provisions of this Act, the rates of toll to be charged, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the

laws of the Commonwealth which may act as depositary of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the commission. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the commission may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of the bridge or bridges.

Section 7. **Revenues.**—The commission is hereby authorized to fix, revise, charge and collect tolls for the use of each bridge under its control, including any bridge which shall have reverted to the city under the provisions of Section 15 of this Act. Such tolls shall be so fixed and adjusted with respect to the aggregate of tolls from such bridge or bridges as to provide a fund sufficient with other revenues, if any, to pay (a) the cost of maintaining, repairing and operating such bridge or bridges and any other expenses payable from such tolls and (b) the principal of and the interest on the bonds which are payable from such tolls as the same shall become due and payable, and to create reserves for such purposes. Such tolls shall not be subject to supervision or regulation by any other department, division, commission, board, bureau or agency of the city or of the Commonwealth. The tolls and all other revenues derived from such bridge or bridges, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and such other expenses and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the

tolls or other revenues or other moneys so pledged and thereafter received by the commission shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the city or the commission, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the commission. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

Section 8. **Trust funds.**—All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such resolution or trust agreement may provide.

Section 9. **Remedies.**—Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the Commonwealth or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this Act or by such trust agreement or resolution to be performed by the commission or by

any officer or employee thereof, including the fixing, charging and collecting of tolls.

Section 10. **Exemption from taxation.**—The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of bridges by the commission will constitute the performance of essential governmental functions, the commission shall not be required to pay any taxes or assessments upon any bridge or any property acquired or used by the commission under the provisions of this Act or upon the income therefrom, and the bonds issued under the provisions of this Act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the Commonwealth.

Section 11. **Bonds eligible for investment.**—Bonds issued by the commission under the provisions of this Act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Section 12. **Miscellaneous.**—Each bridge constructed or operated under the provisions of this Act shall be maintained and kept in good condition and repair by the commission.

All private property damaged or destroyed in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition as nearly as practicable or ade-

quate compensation shall be made therefor out of funds provided under the authority of this Act.

All counties, cities, towns and other political subdivisions and all public agencies and commissions of the Commonwealth, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the commission at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies or commissions of the Commonwealth may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission, including public roads and other real property already devoted to public use.

Within ninety days after the expiration of each fiscal year the commission shall make an annual report of its activities for the preceding fiscal year to the city. Each such report shall set forth a complete operating and financial statement covering its operation during such fiscal year. The commission shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of operation of the bridge or bridges.

No officer or employee of the commission shall have any interest direct or indirect in the sale or purchase of any bonds authorized by this Act. Violation of this provision shall be punishable by fine of not more than $1,000 or by imprisonment for not more than one year, or both.

Section 13. **Bridge revenue refunding bonds.**—The commission is hereby authorized to provide for the issuance of bridge revenue refunding bonds of the city for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if the com-

mission shall so determine, for the additional purpose of constructing improvements, extensions, or enlargements of the bridge or bridges in connection with which the bonds to be refunded shall have been issued. The commission is further authorized to provide for the issuance of (a) refunding any bonds then outstanding which shall have been issued under the provisions of this Act, incluidng the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of any additional bridge or bridges. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the commission in respect of the same, shall be governed by the provisions of this Act in so far as the same may be applicable.

Section 14. **Credit of city not pledged.**—Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the city or a pledge of the faith and credit of the city, but such bonds shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the city nor the commission shall be obligated to pay the same or the interest thereon except from the bridge revenues which are pledged for that purpose and that neither the faith and credit nor the taxing power of the city is pledged to the payment of the principal of or the interest on such bonds.

All expenses incurred in carrying out the provisions of this Act shall be payable solely from funds provided under the authority of this Act and no liability or obligation shall be incurred by the commission hereunder beyond the extent to which moneys shall have been provided under the provisions of this Act.

Section 15. **Reversion of existing bridges.**—In case the city shall have theretofore financed the construction of a bridge by the issuance of revenue bonds payable from tolls and all the right, title and interest in and to such bridge, including lands and appurtenances, shall have vested in the Commonwealth for the use and benefit of the Department of Highways, all the right, title and interest in and to such bridge, including lands and ap-

purtenances, shall revert to the city for the use and benefit of the commission upon the happening of the following conditions:

(a) the creation of a bridge commission by the city under the provisions of this Act, and

(b) the adoption of a resolution by the commission expressing the intention of the commission to finance the construction of an additional bridge or bridges under the provisions of this Act.

Certified copies of the ordinance creating the commission and of such resolution shall be filed with the Department of Highways. Thereupon the commission shall assume the operation, maintenance and repair of such bridge and may charge such tolls for the use of such bridge as it may deem necessary to provide funds for the operation, maintenance and repair of such bridge, and to pay any part of the cost of such additional bridge or bridges, including but not limited to the cost of construction, the principal of and the interest on the bonds issued to pay all or a part of such cost, the cost of traffic studies and estimates, of engineering, financial and legal expenses, of plans and specifications and other expenses of the commission. Such bridge may be combined for financing purposes with any additional bridge or bridges constructed by the commission under the provisions of this Act.

Section 16. **Additional method.**—The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of bridge revenue bonds or bridge revenue refunding bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

Section 17. **Act liberally construed.**—This Act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

Section 18. **Constitutional construction.**—The provisions of this Act are severable, and if any of its provisions shall be held

unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 19. **Repeal.**—The provisions of KRS 181.010 (3) and 181.300 to 181.500, inclusive, are hereby repealed. All other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Said bill was ordered printed and referred.

By Mr. Rogers.

H. B. No. 266. AN ACT relating to pin-ball machines.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of section 436.230 of the Kentucky Revised Statutes is repealed.

Said bill was ordered printed and referred.

By Mr. Walsh and Hilton.

H. B. No. 267. AN ACT relating to facilities for cashing checks or drafts issued in payment of wages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act;

(1) The term "employer" means and includes an individual, a partnership, an association, a corporation, a legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within the State.

(2) The term "employe" means and includes every person who may be permitted, required or directed by any employer, as defined in Section 2, in consideration of direct or indirect gain or profit, to engage in any employment.

Section 2. Any employer paying wages to an employe by check or draft shall provide for such employe facilities for the cashing of such check or draft in lawful money of the United States at a bank or other established place of business without charge or discount by deduction of any kind from the full amount of the check or draft, or the cost of collection in any other manner whatsoever.

Section 3. Any employer who violates the provisions of this Act shall be fined not more than $100.00 for each violation.

Said bill was ordered printed and referred.

By Mr. Denney.

H. B. No. 268. AN ACT relating to compensation of jurors.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid five dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive five dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together over night in custody of the sheriff, petit jurors shall receive one dollar additional for each night they are kept together.

(3) In courts inferior to the circuit court, except in counties containing a city of the second class, each juror shall be paid fifty cents for each case in which he serves, but if the same

juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

(4) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid $1.50 for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

Said bill was ordered printed and referred.

By Mr. Dressman.

H. B. No. 269. AN ACT relating to police courts in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.150 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class the police court shall have one judge. He shall receive a salary fixed by ordinance at not more than $4800 nor less than $3000 per annum, and no other compensation except the fees allowed to judges for holding examining trials in felony cases. He shall have each year a vacation of one month. No person shall be eligible to be a police judge unless at the time of his election he is at least twenty-five years of age, has been a resident of the city for at least four years, and has been a licensed, practicing attorney in the State of Kentucky for at least two years; provided, however, that police judges presently in office shall not be affected by the failure to be a licensed, practicing attorney for two years, nor shall they be disqualified from seeking re-election for that reason.

Said bill was ordered printed and referred.

By Mr. Dressman.

H. B. No. 270. AN ACT relating to holidays.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 2.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birthday), the 30th day of May (Memorial Day, the 3rd day of June (Confederate Memorial Day, the 4th day of July (Independence Day), the first Monday in September (Labor Day), the 12th day of October (Columbus Day), the 11th day of November (Armistice Day), the 25th day of December (Christmas Day) of each year, Good Friday (first Friday before Easter) of each year, and all days appointed by the President of the United States or by the Governor as days of thanksgiving, are holidays, on which all the public offices of this Commonwealth may be closed; and shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notice of the dishoner of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 271. AN ACT relating to the taxation of special fuels.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in sections 1 to 19 inclusive, unless the context requires otherwise.

(1) "Department" means the Department of Revenue.

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause prescribing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(3) "Special fuel" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline as defined in KRS 138.210.

(4) "Motor vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways.

(5) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, notwithstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction.

(6) "Use" means the delivery or placing of special fuel into the fuel supply tank or tanks of a motor vehicle within this state. With respect to an interstate user as hereinafter defined the term "use" means the consumption of special fuel in propelling motor vehicles on the public highways of this state as computed under section 8 of this Act.

(7) "Special fuel dealer" means any person who receives special fuel as defined in this section into storage tanks from which withdrawals are made and placed into fuel supply tanks of a motor vehicle for use on the public highways of this state.

(8) "Dealer" means special fuel dealer as defined above.

(9) "Special fuel user" means any person, other than a special fuel dealer or interstate special fuel user who uses special

fuels within the meaning of the word "use" as defined in this section.

(10) "User" means special fuel use as defined above.

(11) "Interstate special fuel user" means common and contract carriers of persons or property by motor vehicles operated upon the public highways of both this state and other states and any other motor vehicular carriers of property operated upon the public highways of other states and upon the highways of this state more frequent than five days out of any month during the calendar year or more frequent than fifteen days during any six month interval during the calendar year.

(12) "Interstate user" means interstate special fuel user as defined above.

Section 2. (1) An excise tax of seven cents per gallon shall be paid on the use (as defined in section 1) of special fuel, except that no tax shall apply to special fuel delivered into the fuel tank of a vehicle operated by the government of the United States.

(2) The tax shall be computed and paid as provided by sections 7 and 8.

(3) Two-sevenths of all amounts received by reason of said tax shall be set aside by the Department of Highways for the construction, reconstruction and maintenance of rural and secondary roads and for no other purpose.

Section 3. (1) A license shall be required of each special fuel dealer, interstate special fuel user, and special fuel user.

(2) Application for a license shall be made to the Department of Revenue upon forms prepared and furnished by the department. The application shall contain such information as the department deems necessary.

(3) Concurrently with the filing of an application for a license, the special fuel dealer, special fuel user, or interstate special fuel user shall file with the department a bond as required under section 4. No license to act as a special fuel dealer, interstate special fuel user or a special fuel user shall be issued to any person or continued in force unless such person

has furnished a bond as provided in section 4 to secure payment of any and all special fuel taxes, penalties, and interest due.

(4) The application in proper form having been accepted for filing, the bond having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue to the special fuel dealer, interstate special fuel user, or special fuel user a license. However, if an application for a license as a special fuel dealer, interstate special fuel user, or a special fuel user is filed by any person whose license has at any time previously been revoked for cause by the department, or if the department is of the opinion that the person who makes the application is a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause, or that the application is not for any other reason filed in good faith or is not for sufficient cause, the department may, after a hearing of which the applicant shall be given ten days notice in writing and in which he shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) All licenses to act as a special fuel dealer, interstate special fuel user, or a special fuel user shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise cancelled.

(6) A license to act as a special fuel dealer, interstate special fuel user, or a special fuel user shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

(7) The department shall keep and file all applications and bonds, with an alphabetical index thereof, together with a record of all licensed dealers, users, and interstate special fuel users.

Section 4. (1) Every special fuel dealer, interstate special fuel user, and every special fuel user shall file with the Department of Revenue a bond in a minimum amount of five hundred dollars and in a maximum amount of not more than ten thousand dollars, on a form, and in such an amount and with

surety approved by the department. The dealer or user shall be the principal obligor and this state shall be the obligee. The bond shall be conditioned upon the prompt filing of true reports and the payment by the dealer or user to the department of all special fuel excise taxes now or hereafter levied by this state, together with all penalties and interest thereon, and generally upon faithful compliance with the provisions of sections 1 to 19.

(2) If the liability upon the bond is discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the department any surety on the bond has become unsatisfactory or unacceptable, the department may require the dealer or the user to file a new bond with satisfactory sureties in the same form and amount, failing which the department shall forthwith cancel the license of the dealer or user. If a new bond is furnished by the dealer or user as above provided, the department shall cancel the bond for which the new bond is substituted.

(3) If upon hearing, of which the dealer or user shall be given ten days notice in writing, the department decides that the amount of the existing bond is insufficient to insure payment to this state of the amount of the tax, penalties and interest for which the dealer or user is or may become liable, the dealer or user shall forthwith, upon the written demand of the department, file an additional bond in the same manner and form with surety thereon approved by the department, in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license of the dealer or user.

(4) Any surety on a bond furnished by a dealer or user shall be released from all liability to this state accruing on such bond after the expiration of sixty days from the date upon which the surety has lodged with the department a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue before the expiration of the sixty day period. The department shall promptly, on receipt of the request, notify the dealer or user who furnished the bond, and unless the dealer or user shall, before the expiration of the sixty-day period, file with the department a new bond with surety satisfactory to the department

in the amount and form herein before provided, the department shall forthwith cancel the license of the dealer or user. If the new bond is furnished by the dealer or user as above provided, the department shall cancel the bond for which the new bond is substituted.

Section 5. (1) If a special fuel dealer, interstate special fuel user or special fuel user at any time files a false monthly report of the information required, or fails or refuses to file the monthly report or to pay the full amount of the tax or violates any other provision of sections 1 to 19 inclusive, or otherwise gives reasonable grounds, the Department of Revenue may cancel the license of the dealer, interstate special fuel user, or user, and suspend his privilege of acting as a special fuel dealer or a special fuel user.

(2) Upon voluntary surrender of the license certificate or upon receipt of a written request by a special fuel dealer, interstate special fuel user, or special fuel user, the department may cancel his license, effective sixty days from the date of request, but no such license shall be cancelled upon surrender or request unless the dealer or user has, prior to the date of cancellation, paid to this state all special fuel taxes, penalties, interest and fines that are due or have accrued, and unless the dealer or user has surrendered to the department his license certificate.

(3) If upon investigation the department ascertains that any person to whom a license has been issued is no longer engaged as a special fuel dealer or special fuel user and has not been so engaged for a period of six months, the department may cancel such license by giving the person sixty days notice of cancellation, mailed to his last known address, in which event the license certificate shall be surrendered to the department.

(4) Whenever a special fuel dealer, interstate special fuel user, or special fuel user ceases to engage in business as a dealer or user of special fuel within this state he shall notify the department in writing within fifteen days after discontinuance. All taxes that have accrued under sections 1 to 19 inclusive, whether or not then due, shall become due and payable concurrently with such discontinuance. The dealer or user shall make a report and pay all such taxes and any interest and

penalties thereon, and shall surrender to the department his license certificate.

(5) If the license of a special fuel dealer, interstate special fuel user, or special fuel user is cancelled by the department as provided in this section, and if the dealer or user has paid to this state all taxes, interest and penalties due under sections 1 to 19 inclusive, the department shall cancel the bond filed by the dealer or user.

Section 6. Every special fuel dealer, interstate special fuel user and every licensed special fuel user shall maintain complete records of all inventories, purchases, sales, uses and other dispositions of special fuel. Such records, together with manifests of lading, invoices, correspondence and other papers pertaining to special fuel shall be retained for a minimum period of two years and, if requested by the department, shall be made available for examination by the Department of Revenue.

Section 7. (1) Every special fuel dealer or special fuel user shall file with the Department of Revenue, on forms prescribed by the department, a monthly tax return. The return shall be made under penalty of perjury and shall show, with reference to all locations at which special fuel is used, the following information on special fuel: (1) opening inventory; (2) itemized statement of all receipts; (3) number of gallons delivered into the supply tank or tanks of a motor vehicle; (4) number of gallons disposed of otherwise; (5) closing book inventory; (6) actual measured inventory; and (7) such other information as the Department of Revenue may require. The special fuel dealer or special fuel user shall file the return on or before the last day of the next succeeding calendar month following the monthly period to which it relates.

(2) It shall be prima facie proof that all fuel received by a special fuel dealer or a special fuel user into storage tanks and dispensing equipment from which motor fuel is to be delivered to the fuel supply tank of a motor vehicle operated on the public highways of this state is taxable as set out in this Act.

(3) The monthly tax return shall be accompanied by remittance covering the tax due.

(4) Interstate special fuel users shall, on or before the last day of each month, report under penalty of perjury and pay the special fuel tax for the next preceding calendar month. The return shall be made on forms prescribed by the Department of Revenue and shall show the information entering into the computation of the tax, including the number of miles motor vehicles were operated in this state and the total number of miles these vehicles were operated, the number of gallons of special fuel used in these vehicles and the number of gallons used in this state, the number of gallons of special fuel purchased in this state and the total number of gallons of special fuel purchased and used in these vehicles, the vendor from whom purchased, the number of gallons on which a credit or refund is claimed and such other information as the department may require.

Section 8. (1) The special fuel excise tax imposed by section 2 of this Act, except as otherwise provided under subsection 2 of this section, shall be computed by multiplying the number of gallons of special fuel used by the tax rate.

(2) Interstate special fuel users shall pay the special fuel excise tax on that proportion of total special fuel used in motor vehicles operated on the public highways of this state as the number of miles operated by these vehicles in this state bears to the total number of miles operated.

Section 9. (1) If special fuel on which the tax has been paid, pursuant to the provisions of subsection (1) of section 8 has been used by interstate users in motor vehicles operated on the public highways of both this state and other states, the interstate user of such special fuel shall be credited to the extent of the tax due under this section for the full amount of taxes paid on special fuel purchased during the preceding month. The department may defer any credits in excess of taxes paid or due for a period not to exceed three months.

(2) The Department of Revenue shall, at the close of each quarterly period ending September 30, December 31, March 31 and June 30, refund all deferred credits granted by the department during the quarter which have not been credited against tax paid purchases of fuel in this state.

(3) No tax shall be credited or refunded except that paid upon special fuel used exclusively in motor vehicles operated on the public highways of both this state and other states and unless the applicant holds a currently valid credit and refund permit and makes application as provided under section 11.

(4) The right to receive any credit or refund under this section shall not be assignable, except to the executor or administrator, or to the receiver, trustee in bankruptcy, or assignee in insolvency proceedings of such person entitled thereto.

Section 10. (1) Interstate special fuel users who purchase special fuel in this state shall secure from the Department of Revenue a credit and refund permit, which permit shall entitle such person to apply for a credit or refund under the provisions of this Act.

(2) Each interstate special fuel user credit and refund permit shall be valid until surrendered or cancelled. The department may cancel, by giving thirty days notice any credit and refund permit, when the holder thereof does not apply for a credit or refund during any six months interval, unless the permit holder can show cause satisfactory to the department why the permit should not be cancelled and after notice of 10 days may cancel for any sufficient cause within the opinion of the department.

(3) To secure a credit and refund permit the applicant shall file with the department an application under oath on forms furnished by the department, setting forth such information incident to crediting and refunding the tax on special fuel as the department may require.

Section 11. (1) In order for a holder of a special fuel credit and refund permit to be entitled to a credit or refund of the special fuel tax as provided under this Act, he shall on or before the last day of each month make application to the Department of Revenue on forms and in the manner prescribed by the department for a credit or refund of the tax paid, pursuant to subsection (1) of section 8 on special fuel purchased in this state and used during the next preceding month. The Department of Revenue may require an applicant for a credit or refund to

supply with each application copies of special fuel dealer receipts of all tax-paid purchases of special fuel for which credit or a refund is claimed. Each application shall also show the total number of miles the motor vehicles in which the special fuel was used were operated and the number of miles these vehicles were operated in this state; the number of gallons of special fuel purchased in this state and in other states for use in such vehicles during the preceding month; the date and quantity of each purchase; the vendor from whom purchased; the number of gallons on which a credit or refund is claimed; and such other information as the department may require. The application shall be made under oath.

(2) Upon the refusal of the department to authorize a special fuel tax credit or refund, the applicant may in the manner and subject to the conditions provided in subsection (1) of KRS 131.110 petition for a review thereof by the Kentucky Tax Commission; and if the applicant is not satisfied with the decision of the Commission, he may appeal to the Franklin Circuit Court in the manner and subject to the conditions provided in KRS 131.120.

Section 12. (1) The Department of Revenue may, at any time, audit the books and records of each holder of a special fuel tax credit and refund permit who has at any time since the last audit was made applied for a credit or refund thereunder and make such other investigations as it deems necessary to determine whether the credits or refunds applied for constitute proper claims. When the department is satisfied that a credit or refund is proper it shall credit the applicant for an amount corresponding to the taxes paid pursuant to subsection (1) of section 8 or make the refund.

However, the department shall not be required to audit the books and records of a nonresident credit and refund permit holder if the amount of credits or refunds for which application has been made are not sufficient in amount reasonably to justify probable expenses of making the audit.

(2) If special fuel taxes are erroneously credited or refunded, the department shall advise the payee by registered mail of the erroneous credit or refund. If the payee fails to reimburse

the Commonwealth within fifteen days after the receipt of the letter, an action may be instituted by the department in the Franklin Circuit Court and the department shall recover from the payee the amount of the erroneous credit or refund plus a penalty of twenty per cent.

Section 13. (1) The reports required by section 7 shall be accompanied by a certified or cashier's check, payable to the State Treasurer, for the amount of tax due for the preceding calendar month, computed as provided in section 8; except that the department may waive this requirement and accept the check of the special fuel dealer, special fuel user or interstate special fuel user if the dealer, user or interstate user is of sound financial condition and has established a good record of compliance with the requirements of sections 1 to 19 inclusive.

Section 14. (1) If any special fuel dealer, special fuel user or interstate special fuel user neglects or refuses to make the return or pay the tax at the time provided in section 9, a penalty of twenty per cent of the tax and interest at six per cent per annum from the date when due shall be paid on both the tax and the penalty.

(2) If any dealer, user or interstate user subject to the penalty provided in subsection (1) of this section submits in writing to the department his reasons for failure to comply with this Act, and if the department finds the reasons sufficient evidence of justifiable cause for modifying the penalty provided in subsection (1) of this section, it may modify the penalty exacted therein to five per cent of the amount of the tax due and delinquent provided the five per cent penalty may be reduced to a one per cent penalty if the violation is the first violation by the taxpayer within the twelve months.

(3) If the penalties provided by this section are collected by proceedings in court an additional penalty of twenty per cent shall be collected and distributed as is authorized by KRS 134.400 and 135.060.

(4) Whenever any dealer, user or interstate user neglects or refuses to make and file any report for any calendar month as required by section 7, or files an incorrect or fraudulent report, the Department of Revenue shall determine, after an investiga-

tion, the number of gallons of fuel with respect to which the dealer, user or interstate user has incurred liability under sections 2 and 8 for any particular month, and assess and collect the amount of tax and penalties due.

(5) Any person who fails to make any report or return required under sections 1 to 19 inclusive within the time required may be required to pay a penalty of ten dollars to be assessed and collected in the manner provided for the assessment and collection of taxes, or in a civil action, at the instance of the department. In addition such delinquent may be compelled to make the required report or return.

(6) In any action for the collection of the special fuel tax and any penalties or interest imposed in connection therewith, an assessment by the department of the amount of the tax due and the interest or penalties due to the state shall constitute prima facie evidence of the claim of the state, and the burden of proof shall be on the dealer, user or interstate user to show the assessment was incorrect and contrary to law.

Section 15. (1) It is unlawful for any person to:

(a) Fail to pay the excise on special fuel;

(b) Fail, neglect, or refuse to make and file any statement required under sections 1 to 19 inclusive in the manner or within the time required;

(c) Make any false statement or conceal any material fact in any record, report, or affidavit provided for under sections 1 to 19 inclusive;

(d) Conduct any activities requiring a license or permit under sections 1 to 19 inclusive without a license or permit or after a license or permit has been surrendered, cancelled or revoked;

(e) Assign or attempt to assign a license or permit to act as a special fuel dealer, a special fuel user or an interstate fuel user;

(f) Violate any other provision of sections 1 to 19 inclusive.

(2) Any person violating any provision of this section is guilty of a misdemeanor, unless the act is by any other law of this state declared to be a felony, and upon conviction is punishable by a fine of not less than $100 nor more than $5,000, or by imprisonment in the county jail for not less than 30 days nor more than six months, or by both such fine and imprisonment.

(3) The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of sections 1 to 19 inclusive.

Section 16. (1) The Department of Revenue shall administer the special fuel tax provided under sections 1 to 19 inclusive, and may prescribe, adopt, and enforce regulations relating to the administration and enforcement thereof.

(2) The Department of Revenue shall, upon the request from the officials to whom are entrusted the enforcement of the special fuel tax law of any other state, the United States, the provinces or the Dominion of Canada, forward to such officials any information which it may have relative to the manufacture, receipt, sale, use, transportation, shipment or delivery by any person of special fuel, provided such other state or states provides for the furnishing of like information to this state.

Section 17. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section18. This act shall be fully operative and shall apply to fuel used on and after July 1, 1952.

Section 19. Sections 138.359 to 138.440 inclusive of the Kentucky Revised Statutes are repealed.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 272. AN ACT relating to taxation of liquefied petroleum gases.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

(1) The term "liquefied petroleum gas" means and includes any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them, whether in the liquid or in the gaseous state: propane, propylene, butane (normal butane or isobutane), and butylene.

(2) "Use" means the burning or consumption of liquefied petroleum gas for the purpose of cooking, heating, lighting, and industrial use.

(3) "Dealer" means any person, partnership or corporation engaged in the delivery and sale of liquefied petroleum gas to consumers for use as herein defined.

(4) "Gross receipts" means the amount received in money, credits, property, or other money's worth in any form. If the business is conducted on credit the consideration shall be deemed to be gross receipts when payment is made in cash, property, or other money's worth in any form.

Section 2.

(1) Subject to the exceptions contained in subsection (2) of this section, an excise tax is hereby imposed on the sale of liquefied petroleum gas sold and delivered for use as defined herein, equal to 3% of the aggregate gross receipts from such sales. Every dealer engaged in such sales shall collect the tax from the purchaser and account to the state for the tax in the manner provided in section (3) of this act.

(2) No tax is imposed upon liquefied petroleum gases used by the United States, this state, any city or other political subdivision of this state, or any charitable, religious, or educational institutions in this state. No tax is imposed upon sales of liquefied petroleum for the purpose of resale, nor upon the sale of liquefied petroleum gas for use in manufacturing, processing, mining, or refining, or for any other purpose except as specifically provided under the term "use" as defined in this act. Sales

of liquefied petroleum gas in interstate commerce are specifically excluded from this section.

Section 3.

(1) By the last day of each month each dealer shall mail to or file with the Departmentof Revenue a verified report of the total gross receipts of the preceding month with such additional information as the department may require for enforcement of the provisions of this act. The dealer shall remit with the report the amount of tax due under this act. The department on the basis of information which it is authorized to secure or on the basis of an audit of the return, may require additional payments if found to be due. Each dealer shall keep and preserve such records as the department may require to facilitate the enforcement of this act.

(2) No dealer shall fail or refuse to make the returns prescribed by this section or refuse to permit the Department of Revenue or its agents appointed by it in writing to examine his records, papers, files and equipment pertaining to the gross receipts made taxable by this act. No dealer shall make an incomplete, false or fraudulent return under this section, or do or attempt to do anything to avoid full disclosure of the amount of business done or to avoid the payment of the tax or penalties due.

(3) Any dealer who fails to pay the tax due under this act in the time specified by this section shall pay a penalty equal to twenty percent of the amount of tax due and delinquent, and in addition thereto interest at six percent per annum on both the original amount of tax and the penalty.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 273. AN ACT relating to escheats.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 393.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Claim" means to demand payment or surrender of property from the person whose duty it is to pay the claimant, or surrender to him the property involved;

(b) "Commissioner" means the Commissioner of Revenue;

(c) "Department" means the Department of Revenue; and

(d) "Person" means any individual, state or national bank, partnership, joint stock company, business, trust, association, corporation, or other form of business enterprise, including a receiver, trustee or liquidating agent.

(e) "Property" shall include real estate, moneys, negotiable instruments, choses in action, interest, debts or demands due to the escheated estate, stocks, dividends, bonds, interest coupons, deposits, machinery, farm crops, livestock, fixtures, and every other kind of tangible or intangible property and the accretions thereon.

(2) This chapter does not apply to bonds of counties, cities, school districts or other tax-levying subdivisions of this state.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 274. AN ACT relating to the office of Receiver of the circuit court in a county containing a population of 300,000 or over and providing for the payment of such officer's compensation in case the fees of the office are not sufficient to meet his salary.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. If, in the office of Receiver of the circuit court in a county containing a population of 300,000 or over, a shortage in the salary of the Receiver shall occur or exist and the Receiver does not have in his hands sufficient surplus fees or other funds legally charged with the payment of his salary to

make up the shortage he shall thereupon, immediately after the last day of the month in which the shortage occurs, file in the circuit court, in general term, a statement under oath showing the shortage and the amount thereof, and the court shall thereupon, by its order in general term, any five of the judges concurring, order the Department of Finance, and it shall immediately pay to the Receiver the amount of the shortage named in the order out of the funds previously paid by the Receiver to the Department of Finance including such funds as may have come to the Department of Finance from the office of the Receiver through the Department of Revenue under the provisions of Chapter 393 of the Kentucky Revised Statutes.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.210 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 138.220 to 138.340, unless the context requires otherwise:

(1) "Accountable loss" of gasoline means loss or destruction of "received" gasoline, through wrecking of transportation conveyance, explosion, or fire, that has been reported to the Department of Revenue in a manner and form prescribed by the department, supported by positive and conclusive evidence, in the judgment of the department, of the alleged loss, and confirmed in writing to the reporting dealer by the department, after any investigation deemed necessary by the department to establish the bona fide claim of the loss.

(2) "Dealer" means any person who imports or causes to be imported into this state gasoline for storage, use, distribution, or sale and delivery in this state and after it has reached this

state; also any person who produces, refines, manufactures, compounds or stores gasoline in this state for use, distribution or sale and delivery in this state; also any person who receives gasoline by tank car, barge or pipe-line delivery from any point within this state upon which gasoline the excise tax levied by KRS 138.220 has not been paid; also any person importing or causing to be imported into this state gasoline in the fuel tank or any auxiliary tank of his motor vehicle in a quantity in excess of thirty gallons.

(3) "Department" means the Department of Revenue.

(4) "Gasoline" means all liquid fuels, including liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments and all other products so usable except kerosene, cleaner solvent, fuel oil, diesel fuel and crude oil.

(5) "Received," as applied to gasoline, means when it has been imported into this state by any person for use, distribution, or delivery and sale and when it has been placed in tanks or other containers for use or subject to withdrawal for use, distribution or sale and delivery. Gasoline produced, refined, manufactured or compounded at any refinery in this state by any person shall be deemed to be received by such person when it has been loaded into tank cars for delivery within this state or placed in any tank from which sales or deliveries are made at the refinery where it is produced, refined, manufactured or compounded. Gasoline imported by any person into this state and received through delivery by boat at a marine terminal for storage, or delivered by pipe-line at a pipe-line terminal for storage, shall be deemed to be received when it has been loaded into tank cars for delivery within this state or placed in any tank from which sales or deliveries are made at such marine or pipe-line terminals. Dealers may sell gasoline to licensed bonded dealers in this state in transport truckload, carload or cargo lots, withdrawing such gasoline from refinery, marine or pipe-line terminal storage tanks, without paying the tax on such gasoline. In such instances the licensed bonded dealer purchasing such

gasoline shall be deemed to have received such gasoline, and shall assume responsibility to the state for the payment of the tax thereon and shall report and pay the tax on such gasoline purchased and received.

(6) "Refinery" means any place where gasoline is refined, manufactured, compounded or otherwise prepared for use.

(7) "Storage" means all gasoline produced, refined, distilled, manufactured, blended or compounded and stored at a refinery storage or delivered by boat at a marine terminal for storage or delivered by pipeline at a pipeline terminal, delivery station or tank farm for storage.

(8) "Transporter" means any person who transports gasoline on which the tax has not been paid or assumed.

Section 2. Section 138.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who produces, refines, manufactures, or compounds gasoline in this state shall, by the last day of each month, file a report with the Department of Revenue, on forms prescribed by it, covering the next preceding calendar month, showing the number of gallons of gasoline at sixty degrees Fahrenheit produced, refined, manufactured or compounded, the number of gallons at sixty degrees Fahrenheit withdrawn from storage and received and the number of gallons withdrawn at sixty degrees Fahrenheit from refinery storage and shipped to points outside of this state, and the number of gallons at sixty degrees Fahrenheit withdrawn from refinery storage and shipped to points within this state upon which the tax has not been paid. This report shall give in detail such information as the department may require, regarding each separate shipment, the date of shipment, the number of gallons at sixty degrees Fahrenheit in each shipment, the name of owner and license number of truck if shipped by transport truck, the initial and number of tank car if shipped by rail, the name and owner of barge if shipped by water, the name and address of person to whom shipped, the point of shipment, the point of destination and the name of carrier to whom delivered for transportation to destination.

(2) Any person who imports and stores gasoline in any marine or pipeline terminal storage in this state shall by the last day of the month, file a report with the Department of Revenue, on forms prescribed by it, covering the next preceding calendar month, showing the number of gallons of gasoline at sixty degrees Fahrenheit unexported and stored, the number of gallons at sixty degrees Fahrenheit withdrawn from storage and received, the number of gallons at sixty degrees Fahrenheit withdrawn from storage and shipped to points outside of this state, and the number of gallons of gasoline at sixty degrees Fahrenheit withdrawn from storage and shipped to points within this state, upon which the tax has not been paid. This report shall give in detail such information as the department may require, regarding each separate shipment, the date of shipment, the number of gallons at sixty degrees Fahrenheit in each shipment, the name of owner and license number of truck if shipped by transport truck, the initial and number of tank car if shipped by rail, the name and owner of barge if shipped by water, the name and address of person to whom shipped, the point of shipment and point of destination, and the name of carrier to whom delivered for transportation to destination.

(3) There shall be allowed a monthly deduction of that number of gallons equal to three-fourths of one per cent of the total number of gallons of gasoline stored in any marine terminal, refinery or pipeline terminal, this deduction being allowed for reporting, evaporation, shrinkage and unaccountable losses while in storage. The remaining ninety-nine and one quarter per cent of such gasoline placed in storage must be fully accounted for as in physical inventory, accountable loss, withdrawn for export or withdrawn from storage and received for taxable purposes. Any gain by virtue of this allowance shall be a credit against the number of gallons received and reported.

(4) The number of gallons of gasoline added to marine, pipeline or refinery storage shall be determined by the department by actual measurement of terminal storage tanks in the manner it deems necessary. All operators of marine terminals shall notify the department of all barge shipments in sufficient time in advance of the arrival of the shipment to make it possible

for the department to measure terminal storage tanks before and after unloading of the gasoline. Such notice shall be given in such form and manner as required by the department.

Section 3. Section 138.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall receive, use, sell, transport, store or distribute any gasoline upon which the tax has not been paid or assumed or engage in the sale, storage or transportation of any gasoline within this state upon which the tax has not been paid unless he is the holder of an uncancelled license issued by the Department of Revenue to engage in such business.

(2) Any licensed transporter other than a regularly licensed gasoline dealer transporting gasoline upon which the tax has not been paid or assumed by motor vehicle shall have plainly painted thereon name, address, and permit number of licensed transporter.

(3) Any person who engages in the business of receiving, using, selling, transporting, storing or distributing gasoline in this state as a dealer, storage operator or transporter without holding an uncancelled license to engage in such business, or who, without such license, receives, uses, sells, transports, stores, or distributes any gasoline upon which the tax imposed by KRS 138.220 has not been reported and paid, shall pay a penalty equal to twenty per cent of the amount of the tax on such gasoline so received, used, sold, transported, stored or distributed.

Section 4. Section 138.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any dealer neglects or refuses to make the return required by KRS 138.240 or to pay the tax at the time provided, a penalty of twenty per cent thereof and interest at six per cent per annum from the date when due shall be paid as a part of the tax. If collected by proceedings in court, an additional penalty of twenty per cent shall be collected and distributed as is authorized by KRS 134.400 and 135.060.

(2) If any taxpayer subject to the penalty provided in subsection (1) of this section submits in writing to the department, his reasons for failure to comply with KRS 138.240, and

if the department finds the reasons evidence of justifiable cause for modifying the penalty provided in subsection (1) of this section, it may modify the penalty exacted therein to five per cent of the amount of the tax due and delinquent, provided the five per cent penalty may be reduced to a one per cent penalty if the violation is the first violation by the taxpayer within twelve months.

(3 Any dealer or transporter who fails to make any report or return required under KRS 138.240 or KRS 138.260 within the time required shall pay a penalty of ten dollars to be assessed and collected in the manner provided for the assessment and collection of taxes under KRS 138.210 to KRS 138.340 inclusive or in a civil action, at the instance of the department. In addition such delinquent may be compelled to make the required report or return.

Section 5. Section 138.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) To procure the license required by KRS 138.310, every dealer or transporter so required shall file with the Department of Revenue an application under oath or affirmation, in such form and containing such information as the department may deem necessary.

(2) If the dealer or transporter is a corporation organized under the laws of another state, it shall file with its application a certified copy of the certificate or license issued by the Secretary of State of this state showing that the corporation is authorized to transact business in this state.

(3) At the time of filing application for a license, a bond of the character stipulated and in the amount provided for in KRS 138.330 shall be filed with the department. No license shall be issued upon any application unless accompanied by this bond.

(4) If application for such a license is filed by any person whose license has at any time previously been canceled for cause by the department, or if the department is of the opinion that the application is not filed in good faith, or that the application is filed by some person as a subterfuge for the real person

in interest whose license or registration has previously been canceled for cause by the department, the department may, after a hearing of which the applicant has been given five days' notice in writing, and in which the applicant shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) The application in proper form having been accepted for filing, and the bond having been accepted and approved, the department shall issue to the applicant a license, subject to cancellation as provided by KRS 138.340. The license shall not be assignable, and shall be valid only for the person in whose name it is issued, and shall be displayed conspicuously in the principal place of business of the dealer in this state.

(6) The department shall keep and file all applications and bonds, with an alphabetical index thereof, together with a record of all licensed dealers or transporters. The department shall publish and keep currently up to date a list of licensed dealers and transporters, and transmit a copy of list and all revisions thereof to all licensed dealers and transporters.

Section 6. Section 138.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every dealer or transporter required to be licensed under KRS 138.310 shall file with the Department of Revenue a bond in the minimum amount of five thousand dollars, and up to a maximum amount sufficient in the opinion of the department, considering the financial rating and reputation of the company, to insure payment to the state of the amount of tax, penalties and interest for which the dealer or transporter may become liable. The bond shall be on a form and with a surety approved by the department. The dealer or transporter shall be the principal obligor and the state the obligee. The bond shall be conditioned upon the prompt filing of true reports and the payment by the dealer to the State Treasurer of all gasoline excise taxes now or hereafter imposed by the state, together with all penalties and interest thereon, and generally upon faithful compliance with the provisions of KRS 138.210 to 138.340.

(2) If liability upon the bond is discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the department any surety on the bond has become unsatisfactory or unacceptable, the department may require the licensee to file a new bond with satisfactory sureties in the same amount, failing which the department shall forthwith cancel the license of such licensee. If a new bond is furnished as provided above, the department shall cancel and surrender the bond for which the new bond is substituted.

(3) If upon hearing, of which the licensee shall be given five days' in writing, the department decides that the amount of the existing bond is insufficient to insure payment to the state of the amount of tax, penalties and interest for which the licensee is or may become liable, said licensee shall forthwith, upon the written demand of the department, file an additional bond in the same manner and form with a surety thereon approved by the department, in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license of the licensee.

(4) Any surety on a bond furnished as required by this section shall be released from all liability to the state accruing on such bond after the expiration of sixty days from the date upon which the surety has lodged with the department a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The department shall promptly, upon receipt of such request, notify the licensee who furnished the bond, and unless said licensee, before the expiration of the sixty-day period, files with the department a new bond with a surety satisfactory to the department in the amount and form hereinbefore provided, the department shall forthwith cancel the license of the licensee. If approved new bond is furnished the department shall cancel and surrender the bond for which the new bond is substituted.

Section 7. Section 138.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any dealer or transporter required to be licensed under KRS 138.310 files a false monthly report of the data or

information required by KRS 138.220 to 138.280, or fails, refuses or neglects to file the monthly report required by those sections, even though no tax is due, or to pay the full amount of tax as required by those sections, said dealer or transporter may be cited by the Department of Revenue to show cause at a public hearing before the Kentucky Tax Commission why his license should not be revoked by the commission. Such licensee shall be notified by registered letter or summons. The latter or summons shall appraise the licensee of the charge or charges made against him and he shall have a reasonable opportunity to be heard before his license may be revoked. The summons may be served in the same manner and by the same officers or persons as provided by the Kentucky Civil Code of Practice, or it may be served in said manner by an employee of the Department of Revenue. The hearing shall be set at least five days after the summons is served or the letter delivered. Any aggrieved licensee may appeal from an order of the Kentucky Tax Commission in the manner provided for appeals from other of its rulings subject to the condition that licensee has made bond sufficient in the opinion of the Department of Revenue to protect the Commonwealth from loss of revenue.

(2) The department is hereby given the power to cancel the license upon request in writing from licensee such cancellation to become effective sixty days from the date of receipt of the request. But no license shall be canceled upon the request of any licensee until and unless said licensee prior to the date of such cancellation, pays to the state all excise taxes payable under the laws of the state together with any and all penalties and fines accruing by reason of any failure on the part of such licensee to make accurate reports as required or pay such taxes and penalties.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 276. AN ACT relating to income taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (5) of Section 141.010 of the Kentucky Revised Statutes is amended to read as follows:

"Gross income" including gains, profits and income derived from salaries, wages or compensation for personal services of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce or sales or dealings in property, whether real or personal, except as provided in subsection (2) of KRS 141.100, growing out of the ownership, use or interest in such property, or from rent, royalties, interest, dividends, securities or transactions of any business carried on for gain or profit, or gains, profits and income derived from any source whatever, including gains, profits and income derived through estates or trusts by the beneficiaries thereof, whether as distributive or as distributable shares. The amount of all these items shall be included in the gross income for the taxable year in which received by the taxpayer, unless under the methods of accounting permitted in this chapter, the amounts are to be properly accounted for as of a different period. In the case of the death of a taxpayer, amounts accrued up to the date of his death that are not otherwise properly includible in respect of the period ending with his death or a prior period, shall be included in the gross income of the taxpayer, or taxpayers, required to report such amounts for federal income tax purposes.

Section 2. Subsection (6) of Section 141.010 of the Kentucky Revised Statutes is amended to read as follows:

"Gross income" does not include the following items, which shall be exempt from taxation under this chapter:

(a) The proceeds of life insurance policies paid by reason of the death of the insured, except that interest thereon shall be assessed under the provisions of this chapter.

(b) Amounts received, other than amounts paid by reason of the death of the insured, under life insurance, endowment or annuity contracts, either during the term or at maturity or upon surrender of the contract, equal to the total amount of premiums

paid thereon, except that in the case of annuities either for life or for a fixed term, the excess value thereof over the amount of the premiums paid, derived through application of the life expectancy under the United States mortality tables or the number of years of the fixed term, shall not be exempt, and shall, for the purpose of computing the annual taxable income, be divided by the number of years the annuities are payable. The annual income so computed shall be taxable as is other income.

(c) The value of property acquired by gift, bequest, devise or inheritance received during the year, except that the income received by reason of such gifts, bequests, devises and inheritances shall be assessed under the provisions of this chapter.

(d) Any amount received through accident or health insurance or under the workmen's compensation law for personal injuries or sickness, and the amount of any damages received, whether by suit or agreement, on account of such injuries or sickness.

(e) Interest upon the obligations of the United States and of any instrumentalities of the Federal Government, and interest upon the obligations of this state or any of its political subdivisions and municipalities and instrumentalities thereof.

(f) All income received from the Federal Government by any person or his dependents as current compensation or allowances for service in the United States Army, Navy, Air Force, Marines or Nursing Service of the United States Government during the national emergency involving military mobilization.

Section 3. Subsection (1) of Section 141.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever an individual who is a resident of this state has become liable for income tax to another state upon all or any part of his net income for the taxable year, derived from sources without this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited on his return with the income tax so paid by him to the other state, upon his producing to the proper assessing officer satisfactory evidence of the fact of such payment, except that

application of such credits shall not operate to reduce the tax payable under this chapter to an amount less than would have been payable were the income from the other state ignored. The credit provided for by this subsection shall not be granted to a taxpayer when the laws of the other state, under which the income in question is subject to tax assessment, provide for a credit to the taxpayer substantially similar to that granted by subsection (2) of this section.

Section 4. A new section of the Kentucky Revised Statutes is hereby created, to be numbered KRS 141.079, and to read as follows:

Unless otherwise provided in this chapter, the deductions and credits allowed under the provisions of this chapter shall be taken for the taxable year in which "paid or accrued" or "paid or incurred," dependent upon the method of accounting upon the basis of which the net income is computed, unless in order to clearly reflect the income the deductions or credits should be taken as of a different period. In the case of the death of a taxpayer, amounts accrued up to the date of his death that are not otherwise properly allowable in respect of the period ending with his death or a prior period, shall be allowable to the same persons and to the same extent such amounts are allowable for federal income tax purposes.

Section 5. Subsection (1) of Section 141.080 of the Kentucky Revised Statutes is amended to read as follows:

. All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation paid for personal services actually rendered in producing the taxable income. In the case of an individual, all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income.

Section 6. Subsection (8) of Section 141.080 of the Kentucky Revised Statutes is amended to read as follows:

(a) A reasonable allowance for exhaustion, wear and tear

of property used in trade or business, and property held for production of income, including a reasonable allowance for obsolescence and including in the case of natural resources (other than timber), allowances for depletion equivalent to those allowed for federal income tax purposes; in the case of timber, allowances for depletion equivalent to those allowed under the federal income tax law in effect on August 7, 1936. Provided that, in no case where percentage depletion is employed shall the deduction allowed for depletion exceed fifty per cent of the net income computed without consideration of the depletion allowance.

(b) Where property is held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or in the absence of such provisions, on the basis of the trust income allocable to each.

Section 7. Subsection (11) of Section 141.080 of the Kentucky Revised Statutes is repealed.

Section 8. Section 141.090 of the Kentucky Revised Statutes is amended to read as follows:

In computing net income no deduction shall be allowed in respect of:

(1) Personal, living or family expenses.

(2) Any amount paid out for new buildings or new machinery for permanent improvements or betterments, or for any other capital outlay made to increase the value of any property or estate.

(3) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

(4) Premiums paid on a life insurance policy covering the life of any officer or employe, or of any person financially

interested in any trade or business carried on by the taxpayer, when the taxpayer is directly a beneficiary under the policy.

(5) Losses from wagering transactions.

(6) So-called losses resulting from transactions made between husband and wife, parent and child, brothers, sisters, or brother and sister that would, if allowed, reduce the taxpayer's net income in such a way as to decrease the tax due the state, such sales being prima facie mere transfers within the family and not as giving rise to losses that are deductible.

(7) Taxes paid, or accrued, to any state if measured by or based on, net income.

Section 9. Sub-paragraph (a) of subsection (1) of Section 141.190 of the Kentucky Revised Statutes is amended to read as follows:

If he acts for a living individual whose entire income from whatever source derived is in his charge, and that individual, if competent, would be required under the provisions of KRS 141.180 (1) to make and file a return.

Section 10. Section 141.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) As soon as practicable after each return is received, the Department of Revenue shall examine and audit it. If the amount of tax computed by the department is greater than the amount returned by the taxpayer, the excess shall be assessed by the department within four years from the date the return was filed, except as provided in subsection (2) of this section, and except that in the case of a failure to file a return or of a fraudulent return the excess may be assessed at any time and in the case of a return wherein the taxpayer omits from gross income an amount properly includible therein which is in excess of twenty-five per cent of the amount of gross income stated in the return the excess may be assessed at any time within six years after the return was filed; provided, however, that if any excess is assessed on account of any income which has been returned for taxation by any other taxpayer, the department, with the consent of such other taxpayer, his personal representa-

tives or heirs, shall reduce the amount of the excess assessed for each year by the amount of the income tax paid for that year by such other taxpayer on account of the income in question. A notice of such assessment shall be mailed to the taxpayer. The time herein provided, may be extended by agreement between the taxpayer and the department.

(2) Every person required to file a return under the provisions of this chapter who receives notice of any adjustment or proposed adjustment concerning his federal income tax return or any federal income tax return filed by him on behalf of any taxable entity, or who executes a waiver agreement with the Federal Government, shall immediately inform the department of such fact. In case of failure to comply with the provisions of this subsection the amount of excess tax computed by the department may be assessed at any time.

(3) For the purpose of subsection (1) of this section a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

Section 11. Section 141.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The full amount of the tax payable by any taxpayer, as appears from the face of the return, shall be paid to the Department of Revenue at the time fixed for filing returns, except as provided in subsection (2).

(2) Any taxpayer filing a return showing an amount due of thirty dollars or more, may defer payment of one-third of the amount shown by the return to be due until the fifteenth day of the seventh month following the end of the taxable year and an additional one-third until the fifteenth day of the eleventh month following the end of the taxable year. Such deferred payment shall not be subject to any interest charge, if the payments are received within the times specified. If any installment is not paid when due the full amount of the taxpayer's liability becomes due and payable on the date the installment becomes delinquent.

Section 12. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 141.225 and to read as follows:

(1) Every person on active service with the United States Army, Navy, Marines, Air Force, or nursing Service of the United States Government who is required by law to file an income tax return and pay income taxes to the State of Kentucky shall not be required to file such return and pay such taxes, which would otherwise become due during such period of service, until twelve months after the termination of the national emergency, or twelve months after the termination of his period of military service, whichever is the earlier.

(2) The provisions of this section shall be effective for returns due for all taxable years beginning on or after January 1, 1951.

Section 13. Unless otherwise provided herein, the provisions of this Act shall be applicable to all taxpayers for taxable years beginning on or after January 1, 1952.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 277. AN ACT relating to taxes on the production of crude petroleum, and particularly in respect of penalties relating thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of Section 137.990 of the Kentucky Revised Statutes is amended to read as follows:

(a) Any person required to register, make reports or collect and pay taxes under the provisions of KRS 137.120 to 137.160 who fails to pay taxes, penalty and interest after becoming delinquent, or fails for thirty days after the required date to make a report or register shall pay a penalty of ten per cent on the amount of tax due, and shall pay an additional penalty of five per cent on the first day of each month so long as the tax remains due and unpaid, except the total penalty paid shall not exceed twenty-five per cent of tax due.

(b) Any person who violates any of the provisions of KRS

137.120 to 137.160 may be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than thirty days nor more than six months or both.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 278. AN ACT relating to the bank night awards tax.

Said bill isasfollows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 138.090 to 138.120, inclusive, of the Kentucky Revised Statutes are repealed.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 279. AN ACT relating to the practice of Chiropody.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 311.380 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

As used in KRS 311.390 to 311.520:

(1) "Board" means the State Board of Chiropody:

(2) "Chiropody" means the diagnosis, and the local, medical, mechanical and surgical treatment, of ailments of the human foot, and massage in connection therewith, except amputation of the foot or toes, or the use of anesthetics other than local, or the use of drugs or medicine other than local;

(3) "Chiropodist" means one who practices chiropody.

Section 2. Section 311.410 of the Kentucky Revised

Statutes be, and the same hereby is, repealed, amended and re-enacted to read as follows:

(1) There is hereby established in the Department of Health a State Board of Chiropody which shall consist of five practicing chiropodists, each appointed by the Governor. All appointments, including appointments to fill vacancies shall be made from lists of three names for each position submitted by the Kentucky Association of Chiropodists. Any vacancy shall be filled for the unexpired term by the Governor.

(2) A person to be eligible for appointment as a member of said board shall be at least twenty-one years of age, of good moral character, a resident of this State, and a licensed and practicing chiropodist in this State for at least five consecutive years next preceding the date of his appointment. No member of the Board shall be a stockholder, officer, member of the faculty or Board of Trustees of any school, college or institution of chiropody.

(3) The committee of examiners in chiropody, established by Chapter 176 of the Acts of 1948, is hereby abolished, and all rights, functions, powers and duties of said committee and of the State Board of Health under said Act are hereby transferred to and vested in the Board established by this Section, upon the effective date of this Act.

(4) The term of office of the five members first appointed hereunder shall be one, two, three, four and five years, respectively, and the respective terms of the first members shall be designated by the Governor at the time of their appointment. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be five years, or until his successor shall be appointed and qualified.

(5) The Board shall elect one of its members as president. The Commissioner of Health shall be secretary of the Board. He shall have power to appoint an assistant secretary and to delegate to said assistant secretary any or all of his powers and duties under this Act. Said secretary is authorized, subject to approval by the Board, to fix the compensation of said assistant secretary and to employ and fix the compensation of all per-

sonnel required for the administration of this Act. The Board shall have power to make all rules and regulations, not inconsistent with this Act, as may be necessary to implement and carry out the provisions and purposes of this Act.

(6) The Board may sue and be sued in its own name.

(7) The Board shall hold meetings at least twice a year, and as frequently as it deems necessary, at such times and places as the Board may designate. A majority of the members shall constitute a quorum.

Section 3. Section 311.420 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

(1) The Board shall conduct examinations at least twice a year at such times and places as the Board deems convenient for applicants for licenses to practice chiropody in this state, and shall admit to examination any applicant who:

(a) Is at least twenty-one years of age;

(b) Is a citizen of the United States and a resident of the State of Kentucky;

(c) Is of good moral character and temperate habits; and

(d) Has completed a course in and graduated from a school or college of chiropody approved by the Board.

(2) The examination shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, histology, pathology, dermatology, pedic-surgery, physio-therapy, diagnosis and treatment, materia medica and therapeutics, and other subjects as these subjects relate to antiseptics and anaesthetics and clinical chiropody, but the examination shall be so limited in its scope as to cover only the minimum requirements for chiropody educations.

(3) Applicants for examination shall present their credentials to the Board by mail upon forms furnished by the Board, and shall receive due notice of the place and date of the examination. Each application shall contain proof of the qualifications required of the applicant, shall be verified by the applicant

under oath, and shall be accompanied by an examination fee of Fifty Dollars.

(4) The Board shall issue a license to any person who complies with the provisions of KRS 311.380 to 311.520 and who satisfactorily passes the examination.

(5) The members of the Board shall receive no compensation for their services, but shall be paid their traveling and other necessary expenses while employed upon the business of the Board.

Section 4. Section 311.450 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

(1) Every license issued for the practice of chiropody shall expire on June 30 following the date of issuance unless sooner revoked and cancelled.

(2) On or before June first of each year, the Board shall send notices to all licensed chiropodists in this State, at their last known addresses, advising them that the annual license renewal fee is due on July first of each year. Every registered chiropodist shall renew his license on or before July first of each year by the payment to the Board of an annual license renewal fee of ten dollars. If such renewal fee is not paid on or before July first, the Board shall notify the delinquent licensee by mail at his last known address that such fee is due and unpaid and that a delinquent penalty of twenty five dollars is assessed, in addition to the renewal fee of ten dollars, and must be paid on or before January first. If such fees and penalties are not paid by January first, it shall be the duty of the Board to suspend or revoke the said license for non-payment of the annual renewal and delinquent fees for the current year.

(3) All fees collected under the provisions of KRS 311.380 to 311.520, or the rules and regulations adopted pursuant thereto, shall be paid into the State Treasury, and credited to a trust and agency fund to be used in defraying the costs and expenses in the Administration of this Act, including, but not limited to, salaries and necessary travel expenses. No part of this fund shall revert to the general funds of this Commonwealth.

Section 5. Section 311.470 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

(1) Any person who practices chiropody shall display his license, together with the annual license renewal certificate, in a conspicuous place in the office in which he practices.

(2) No person practicing or offering to practice chiropody shall in any manner advertise the prices charged for his services; nor shall he advertise in newspapers, in periodicals, by handbills or circulars, or in bold-face type in any printed matter, or by the use of any form of display sign; except that he may, upon opening an office or upon change of address, mail or publish announcements to that effect provided such announcements shall not appear more than three times in public print, and the form of such announcement shall be determined by the Board.

Section 6. Section 311.490 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

(1) A suspension or revocation of a license, or a refusal to renew a license, may be made by the Board only after a hearing of which the accused has been given adequate notice. At the hearing, the Board and the accused shall have the benefit of counsel.

(2) The Board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in person as in civil cases by subpoena issued over the signature of the President of the Board and in the name of the state.

(3) Proceedings for the suspension or revocation of a license may be instituted by any individual, or organization, or by the Board acting upon its own initiative or by the Secretary on behalf of the Board.

(4) The Board may institute, in its own name, proceedings to temporarily or permanently restrain and enjoin violations of this Act, regardless of whether the defendant has been convicted for violations of the penal provisions thereof, and shall not be required to pay any cost or filing fees or furnish any bond in

connection therewith. Violations of injunctions and restraining orders shall be punished as a contempt without the intervention of a jury.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) County and Commonwealth's attorneys and the Attorney General, within their respective jurisdictions, shall prosecute all violations of the penal provisions of this Act, and shall, when requested by the Board, represent the Board in matters relating to the enforcement of this Act.

(2) For the purpose of enforcing the provisions of this Act, the investigators, inspectors, representatives and agents of the Board and the Department of Health shall have the full power and authority of peace officers in this state, and shall have the power and authority to administer oaths, to enter upon premises at all times for the purpose of making inspections, to seize evidence, to interrogate all persons, and to require the production of books, papers, documents or other evidence.

Section 8. Subsection (7) of Section 311.990 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and re-enacted to read as follows:

(7) Any person who shall present to the county clerk for the purpose of registration any license which has been fraudulently obtained, or shall obtain any license under KRS 311.380 to 311.520 by false or fraudulent statement or representation, or shall practice chiropody under a false or assumed name or shall falsely impersonate another practitioner or former practitioner of a like or different name, or shall aid and abet any person in the practice of chiropody within the State without conforming to the requirements of KRS 311.380 to 311.520, or shall otherwise violate or neglect to comply with any of the provisions of KRS 311.380 to 311.520, shall be fined not less than two hundred and fifty dollars nor more than five thousand dollars or imprisoned in the county jail for not less than three months nor more than twelve months, or both so fined and imprisoned. Each case of practicing chiropody in violation of the provisions of KRS 311.380 to 311.520 shall be considered a separate offense.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. 280. AN ACT relating to the use of professional titles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No person shall, in connection with the practice of medicine, surgery, osteopathy, optometry, dentistry, chiropody, pharmacy, chiropractic, psychology or psychiatry, nursing, anestheiology, physio or physical therapy, or any other profession or business having for its purpose the diagnosis, treatment, correction or cure of any human ailment, condition, disease, injury or infirmity, hold himself out as a Doctor or employ or use in any manner the title "Doctor" or "Dr.", unless he actually has graduated and holds a doctor degree from a school, college, university or institution authorized by its governing body to confer such degree.

(2) No person who holds a doctor degree, as provided in subsection (1) of this section, shall use or employ the title "Doctor" or "Dr." in or upon any letter, statement, card, prescription, sign, listing or other writing, without affixing suitable words or letters designating the particular doctor degree held by such person.

Section 2. Nothing in this Act shall be construed as authorizing the unlicensed practice of any profession or business referred to in section 1. Nor shall anything in this Act be construed as repealing or amending any law or laws relating to licensure or regulation of the professions or business referred to in Section 1.

Section 3. (1) Each violation of subsection (1) of section 1 shall, for the first offense, be punishable by a fine of not less than two hundred and fifty dollars nor more than one thousand dollars or by imprisonment for not less than thiry nor more than ninety days or both, and, for each subsequent offense, by a fine of not less than one thousand dollars nor more than five thousand

dollars or by imprisonment at hard labor in a penitentiary for not less than one nor more than three years, or both.

(2) Each violation of subsection (2) of section 1 shall, for the first offense, be punishable by a fine of not less than one hundred dollars nor more than three hundred dollars or by imprisonment for not less than ten nor more than thirty days, or both, and, for each subsequent offense, by a fine of not less than two hundred and fifty dollars nor more than one thousand dollars or by imprisonment for not less than thirty nor more than ninety days or both.

(3) Each day of violation of either subsection of section 1 shall constitute a separate offense.

Said bill was ordered printed and referred.

By Mr. Heyburn.

H. B. No. 281. AN ACT relating to private corporations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sub-section (1) of Section 271.445 of the Kentucky Revised Statutes is amended to read as follows:

(1) A corporation may, at a meeting of the shareholders duly called upon notice of the specific purpose, and in the manner provided in this section and in KRS 271.450 and 271.455, amend its articles in any respect so as to include any provision authorized by this chapter, or so as to add to its corporate purposes or to diminish the same, or both, or substitute other purposes in whole or in part for those prescribed in the original articles or any previous amendment thereto, or so as to extend the period of its duration for a further definite time or perpetually. Provided, however, that an amendment to the articles of incorporation of any corporation whose original period of duration shall have expired subsequent to July 1, 1949, the only effect of which is to extend the period of such corporation's duration, may be made within three years after the expiration of the period of its original duration; and provided further

that no such amendment may be made after the expiration of the period of the corporation's original duration unless it continuously has engaged in the usual course of its business and has taken no steps toward dissolution or winding up its affairs previous to the filing of the amended articles. Any such amendment made after the expiration of the original life of the corporation shall be rendered retroactive to, and effective as of, the date of the expiration of its original period of duration, and shall have the effect of ratifying and validating all intervening acts of the corporation.

Section 2. Section 271.615 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the provisions of this section, this chapter, so far as it can be made applicable, shall apply to any corporation in existence on June 30, 1946, which was formed under the general corporation laws of this state or by special Act for a purpose or purposes for which a corporation might be formed under this chapter.

(2) The principal office or place of business as specified in the articles of incorporation of such existing corporation, or as changed pursuant to statement of change filed under former KRS 271.090, shall be deemed to constitute the registered office of the corporation.

(3) The process agent designated by such existing corporation under the provisions of former KRS 271.090 shall constitute the process agent of the corporation until changed as provided in KRS 271.385.

(4) It shall not be necessary for any such existing corporation to amend its articles to set forth the provisions required by this chapter to be set forth in articles of incorporation.

(5) The provisions of this chapter as to the minimum amount of capital with which a corporation may begin business shall not apply to any such existing corporation.

(6) Such existing corporation shall have all powers enumerated in KRS 271.125 and 271.135.

(7) The existing classes of shares of such existing corporation shall not be affected by this chapter, but all allotments of

shares made after June 30, 1946, and all changes in classes of shares and rights of shareholders made after such date shall be in accordance with the provisions of this chapter.

(8) The form of existing stock certificates shall not be affected by this chapter, but certificates issued after June 30, 1946, shall conform to this chapter.

Said bill was ordered printed and referred.

By Mr. Walsh.

H. B. No. 282. AN ACT authorizing payment of traveling expenses and employees of counties containing cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, in any county containing a city of the first class, the members of the Fiscal Court and any of its employees, the County Judge and County Attorney and his assistants, when duly authorized by a majority vote of the Fiscal Court of such county, may attend conferences, meetings, legislative or judicial hearings upon matters pertaining to county government or to the county's business, and the expenses of such attendance shall be borne and paid out of the county levy in the manner provided by such authorization.

Before any such expenses are so paid by the Fiscal Court, the attendant at any such meeting, conference or hearing shall, within 10 days after his return therefrom file with the Fiscal Court an itemized statement of all expenses incurred by him, and such statement shall be a public record and spread at large upon the minute book of such court.

Said bill was ordered printed and referred.

By Mr. Jones, Wm. L.

H. B. No. 283. AN ACT concerning farmers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whereas, the industry of farming in this Great Commonwealth is recognized as the leading industry of the State and is of major importance to our economic and social

standing, sufficient recognition should be given to the farmer for his contribution to our society.

Section 2. BE IT ENACTED, that all farmers engaged in this occupation of farming for a period of 10 years, shall be eligible to receive a pension.

Section 3. The eligibility of all applicants for such pension shall be determined by a State Board governing pensions.

Said bill was ordered printed and referred.

Mr. Lowman moved that the rules be suspended for the purpose of making a motion to amend the title of S. B. No. 1.

Said motion was agreed to.

Thereupon, Mr. Lowman moved that the vote by which the clincher motion was carried on S. B. No. 1 on yesterday be reconsidered, he having voted on the prevailing side.

Said motion was agreed to.

Mr. Lowman moved that the title of S. B. No. 1 be amended as follows:

Amend printed copy of S. B. No. 1 on page 1, line 2 of the Title, by striking at the end of the line the words "and horse racing" and inserting in lieu thereof the following: ", horse racing and horse shows."

Said motion was agreed to.

Said amendment was adopted.

Resolved that the title of said bill be as amended.

COMMITTEE REPORTS

Mr. Carl J. Ruh, Chairman of the Committee on Cities of the Second Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 58. AN ACT relating to zoning and planning in cities of the second class and in counties containing such a city.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 139. AN ACT concerning stockyards.

With committee amendment.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Amos Runyon, Chairman of the Committee on Education, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 122. AN ACT relating to time payment of Teachers' Retirement annuities.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William T. Wathen, Chairman of the Committee on Cities of the Fourth Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 177. AN ACT relating to members of police and fire departments in fourth class cities.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William T. Wathen, Chairman of the Committee on Cities of the Fourth Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 65. AN ACT concerning clerks and treasurers of cities of the fourth class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Russell L. Meadows, Chairman of the Committee on Mines, Oils and Minerals, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 154. AN ACT relating to service and sale of

natural gas to owners of property where gas wells or gas pipe lines are located.

With committee substitute thereto.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Clarence J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 41. AN ACT concerning zoning and planning in cities of the first class and in counties containing such cities.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mrs. J. T. Linton, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 44. AN ACT relating to contracts and separate estate of married women, amending KRS 404.010.

With the expression of opinion that same should not pass.

Whereupon, said bill was rejected.

Mrs. J. T. Linton, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 34. AN ACT relating to contracts and separate estate of married women, amending section 404.010 of the Kentucky Revised Statutes.

With the expression of opinion that same should not pass.

Whereupon, said bill was rejected.

Mrs. J. T. Linton, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 110. AN ACT relating to the compensation of court appointed attorneys.

With the expression of opinion that same should not pass.

Whereupon, said bill was rejected.

Mr. Amos Runyon, Chairman of the Committee on Education, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 219. AN ACT to regulate athletic contests in high schools of the Commonwealth of Kentucky.

With the expression of opinion that same should not pass.

Whereupon, said bill was rejected.

Mr. Amos Runyon, Chairman of the Committee on Education, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 130. AN ACT relating to school teachers.

With the expression of opinion that same should not pass.

Whereupon, said bill was rejected.

CALENDAR

The House took up for consideration from the Calendar, House Bills of the following titles, viz:

Mr. Lowman moved that the constitutional provision as to the second reading at length of said bills be dispensed with, and said bills be read for the second time by their titles only.

Said motion was agreed to.

H. B. No. 157. AN ACT relating to children, and their care, custody, treatment and disposition; including provisions as to juvenile courts and as to the jurisdiction and powers of other courts concerning children, and provisions for the establishment of agencies and facilities of the state for the administration of state functions regarding children.

H. B. No. 199. AN ACT relating to barbers and beauty specialists.

H. B. No. 198. AN ACT, amending KRS 45.280, relating to petty cash funds of state budget units.

S. B. No. 17. AN ACT abolishing the position of Deputy Constable, except in counties containing a city of the first or second class.

H. B. No. 196. AN ACT, relating to public printing, amending sections 57.045, 57.060, 57.090, 57.180 and 57.260 of the Kentucky Revised Statutes.

H. B. No. 78. AN ACT relating to advance fees of circuit clerks, amending Section 64.036 of the Kentucky Revised Statutes.

H. B. No. 76. AN ACT relating to the compensation of county tax commissioners.

H. B. No. 204. AN ACT relating to the acquisition of industrial buildings and equipment by cities, amending section 103.200 of the Kentucky Revised Statutes.

H. B. No. 205. AN ACT relating to compensation of county officers.

H. B. No. 105. AN ACT relating to the examination of witnesses in civil actions.

H. B. 123. AN ACT relating to bail.

H. B. 131. AN ACT relating to the making of wills by minors, amending section 394.030 of the Kentucky Revised Statutes.

H. B. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

H. B. No. 206. AN ACT relating to support of dependents.

H. B. 169. AN ACT concerning annexation of territory to cities of the third class.

H. B. 203. AN ACT relating to elections, with particular relation to elections, both regular and primary in cities under the city manager form of government.

H. B. 189. AN ACT authorizing cities of the second class to provide sewer services to common schools located outside of the boundaries.

H. B. 193. AN ACT concerning boards of park commissioners in cities of the second class.

H. B. 173. AN ACT concerning the development and promotion of the sheep industry in Kentucky.

H. B. 160. AN ACT relating to control of Black Shank and other diseases of tobacco and to appropriate money for that purpose.

Mr. Heyburn moved that H. B. No. 199 be recommitted to the Kentucky Statutes No. 2 for the purpose of further consideration.

The yeas and nays being requested by Mr. Lowman and Holbrook on said motion, were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Henry J. Giles	Hobart Rayburn
Dr. John Adkins, Jr.	Chas. M. Greene	J. F. Robinson
Owen Billington	Farmer Helton	Earl Rogers
Thomas L. Britton	Thomas D. Hewlett	Clem Schroader
Walter J. Chyle, Jr.	Henry R. Heyburn	John A. Sloan
Marvin A. Cornett	E. R. Hilton	E. A. Spencer
Charles M. Crowe	James W. Lambert	Egbert V. Taylor
J. C. Denney, Jr.	Jesse H. Lawrence	Albert Thomason
R. L. Dunigan	Walter R. Moorman	W. W. Webster
Jack Early	Bart N. Peak	Charles W. Wirsch
Leslie Gay		—31

Those who voted in the negative were—

J. Everett Bach	John Head	Ewin C. Neville
Sidney Baer	William K. Henry	Louis T. Peniston
John Rea Banton	Ray Holbrook	Carl J. Ruh
Clarence J. Barnum	Chester J. Holsclaw	Amos Runyon
John Rhea Banton	William M. Horn	Cecil Sanders
J. C. Bradley	Paul S. Jonas	Gus F. Sheehan, Jr.
Edward O. Bridgers	Paul M. Lewis	Dr. B. F. Shields
Alex H. Calvert	Mrs. J. T. Linton	Mrs. Thelma Stovall
R. Josh Cosby	Harry K. Lowman	William F. Threlkeld
Thomas R. Duncan	William Maglinger	Eulick (Mike) Walsh
Herbert Fern	Russell L. Meadows	Wm. Thos. Wathen
Wm. P. Friedlander	Tom Mobley	William B. Wells
Henry C. Hale	Robert H. Moore	W.A.(Pete)Wickliffe
Eugene B. Hancock	Thomas J. Murphy	Walker H. Wiseman
George F. Harris		—43

So said motion lost.

Mr. Heyburn, Early and Gay tendered an appeal from the ruling of the Chair in permitting a call of the yeas and nays on the motion to recommit, rather than take a voice vote, on H. B. No. 199.

Said appeal was ruled out of order, by the Speaker for the reason that the result of the voice vote was not declared before a roll call was demanded by two members, which was granted.

Mr. Lowman moved that the House do now concur in the Senate amendment to H. B. No. 36 which amendment is as follows:

This Act shall be known and cited as "The Williams-Moorman Anti-Daylight Saving Time Act."

Said motion was agreed to.

Said amendment was adopted.

Ordered that said bill be engrossed and enrolled as amended and delivered to the Enrolling Clerk of the House.

ORDERS OF THE DAY

Mr. Lowman moved that the consideration of House Bills 142, 145, 104, 153, 138, be passed and that it retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 150. AN ACT concerning the definition of "Filled Milk."

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only.

Thereupon, Mr. Lowman, he having voted on the prevailing side moved that the vote by which the last named motion was ordered, be reconsidered and the further consideration of said bill be passed and that it retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 143. AN ACT relating to the Department of Agriculture, Labor and Statistics.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Agriculture, Labor and

Statistics is authorized to purchase such equipment, including a large scale test unit and a large meter test unit, as is necessary to adequately and properly administer the provisions of KRS 363.170 to 363.990.

Section 2. For the purposes of this Act there is hereby appropriated out of the General Expenditure Fund in the State Treasury to the Department of Agriculture, Labor and Statistics, for the fiscal year of 1952-53, the sum of $15,200.00.

Mr. Calvert moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Calvert moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Bill Adams	Walter J. Chyle, Jr.	Leslie Gay
Dr. John Adkins, Jr.	Lewis W. Combest	Henry J. Giles
Henry Arrowood	Marvin A. Cornett	Chas. M. Greene
J. Everett Bach	R. Josh Cosby	Henry C. Hale
Sidney Baer	Charles M. Crowe	Eugene B. Hancock
John Rhea Banton	C. E. Dowell	George F. Harris
Clarence J. Barnum	James A. Dressman, Jr.	John Head
Owen Billington	Thomas R. Duncan	Farmer Helton
Wm. W. Blanton	R. L. Dunigan	William K. Henry
J. C. Bradley	Jack Early	Thomas D. Hewlett
Ed. T. Breathitt	William Engle	E. R. Hilton
Edward O. Bridgers	Roscoe Estep	Ray Holbrook
Mrs. Mary E. Burnete	Herbert Fern	Chester J. Holsclaw
Alex H. Calvert	Wm. P. Friedlander	William M. Horn

Paul S. Jonas	Ewin C. Neville	John A. Sloan
William L. Jones	Bart N. Peak	Mrs. Thelma Stovall
Jennings Kearby	Louis T. Peniston	E. H. (Ted) Stumbo
James W. Lambert	Hobart Rayburn	Egbert V. Taylor
Paul M. Lewis	Tipton Reed	Albert Thomason
Mrs. J. T. Linton	J. F. Robinson	William F. Threlkeld
Harry K. Lowman	Earl Rogers	Eulick (Mike) Walsh
Russell L. Meadows	Joe Rouse	Wm. Thos. Wathen
Tom Mobley	Carl J. Ruh	W. W. Webster
Robert H. Moore	Amos Runyon	William B. Wells
Walter R. Moorman	Cecil Sanders	W.A.(Pete)Wickliffe
Fred H. Morgan	Clem Schroader	Charles W. Wirsch
Earl F. Murphy	Gus F. Sheehan, Jr.	Walker H. Wiseman
Thomas J. Murphy	Dr. B. F. Shields	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Calvert moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Morgan moved that when the House do adjourn today, that it adjourn in memory and respect of King George of England who passed away February 6, 1952.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 37. AN ACT relating to jury service.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only.

Thereupon, Mr. Estep, he having voted on the prevailing side moved that the vote by which the last named motion was ordered, be reconsidered and the the further consideration of said bill be passed and that it retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 149. AN ACT to amend Section 247.250, 247.280, 247.330, 247.340, 247.350, 247.370 of the Kentucky Revised Statutes relating to county farm bureaus and a state federation of county farm bureaus.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 247.250 of the Kentucky Revised Statutes is amended to read as follows:

The articles of incorporation of a county farm bureau shall be as follows:

"We, the undersigned farmers or landowners, residents of _____County, Kentucky, hereby adopt the following articles of incorporation:

"Article 1. The objects of this incorporation shall be to advance and improve in _____County Kentucky, the science and art of agriculture, home economics, horticulture and animal industry, cooperating with the State Department of Agriculture, the College of Agriculture of the University of Kentucky and the United States Department of Agriculture.

"Article 2. The name of this corporation shall be the _____County Farm Bureau of _____County, Kentucky.

"Article 3. The affairs of this corporation shall be conducted by a president, a vice president, a secretary and a treasurer, who shall perform the duties usually pertaining to such positions, and by a board of directors of not less than seven members. All officers and directors shall be elected as provided for in the by-laws at an annual meeting and they shall hold office for one year and until their successors are elected, but, so that the terms of all directors shall not expire at the same time, the members, by by-law or resolution, may provide that at one annual election that the term of half the number of directors, or if there be an uneven number, that the term of one less than the majority or the term of a majority of one, elected at said election, shall be for one year, and the term of the remaining directors elected at said election shall be for two years, and that

all elections for directors, after the expiration of the aforesaid specific terms, shall be for two years. We, the said incorporators, have elected the following provisional officers to hold their respective positions until their successors are elected at the annual meeting in the year 19_____.

President _____
Vice President _____
Secretary _____
Treasurer _____
1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____

"Article 4. The date of the annual meeting shall be stated in the by-laws. The by-laws shall be adopted by the members of the corporation and may be amended at any annual meeting of the members.

"Article 5. The yearly dues of the members of this corporation shall be not less than $5.00, payable at the time that application for membership is made and by or on the same date annually thereafter. No member who has once paid dues shall forfeit membership until subsequent dues are 60 days in arrears, but so long as any dues owing are unpaid, such member shall have no right to vote in any election or on any matter.

"Article 6. Any citizen of the county owning or operating a farm, or evidencing a primary interest in farming by reason of his position or occupation may become a member of the corporation by paying one year's dues and complying with the articles of incorporation and by-laws.

"Article 7. This corporation shall endure until terminated by operation of law."

Section 2. Any county fram bureau heretofore incorporated, pursuant to KRS 247.250, prior to this amendment thereto, shall not be required to re-incorporate, but its articles of incorporation shall be construed as having been amended to incorporate therein this amendment to KRS 247.250.

Section 3. That section 247.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) The outgoing president and treasurer of a farm bureau shall by the date of the annual meeting file with the county clerk full and detailed sworn reports of all receipts and expenditures of the corporation, showing from whom the sums were received and to whom they were paid, and for what purpose they were received or paid. A duplicate of the report shall be laid before the members at the annual meeting.

(2) The books, papers and records of the corporation shall at all times be open to the inspection of the fiscal court or anyone appointed by it to make examination.

Section 4. That section 247.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) A state federation of county farm bureaus may be formed by a majority of the county farm bureaus in existence at the time of the formation of said federation, which have been organized pursuant to sections 247.240 and 247.250 of the Kentucky Revised Statutes, but said majority shall consist of no less than 10 such county farm bureaus.

(2) The state federation of farm bureaus shall have for its purpose the advancement and improvement of agricultural and allied interests of the farms of this state and may cooperate with the State Department of Agriculture, the College of Agriculture of the University of Kentucky, and the United States Department of Agriculture.

(3) The provisions of sub-section (1) hereof shall not affect any existing state federation formed pursuant to the provisions of Chapter 76 or the Acts of 1920 of the General Assembly of the Commonwealth of Kentucky.

Section 5. That section 247.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) The said federation of farm bureaus organized pursuant to section 247.330 of the Kentucky Revised Statutes shall be a body corporate upon the filing with the county court clerk of the county in which the principal office of said federation is located, articles of incorporation signed by the requisite number of authorized representatives of said county farm bureaus, and upon the filing of a copy of said articles of incorporation certified

to by said county court clerk, in the office of the Secretary of State of the Commonwealth of Kentucky.

(2) Said articles of incorporation shall state:

(a) The names of the county farm bureaus organizing said state federation;

(b) The corporate name of said state federation;

(c) The location of the principal office;

(d) The nature of its business and its general powers, and may set out any other provision, which the incorporators may deem desirable and which are not in conflict with the law.

(3) The incorporators signing the articles of incorporation shall constitute the first board of directors until the first annual election date to be fixed by the by-laws of the corporation.

(4) Any state federation of county farm bureaus heretofore organized pursuant to the provisions of section 247.330, or, Chapter 76 of the Acts of 1920 of the General Assembly of the Commonwealth of Kentucky, and having heretofore filed its articles of incorporation as provided in this section, shall not be required to re-incorporate, but may continue its corporate existence as if done pursuant hereto, and said corporation or any corporation organized pursuant to this section and said section 247.330, may amend its articles of incorporation by a majority vote of its voting delegates assembled in annual state convention.

Section 6. That Section 247.350 of the Kentucky Revised Statutes is amended to read as follows:

Any state federation organized pursuant to sections 247.330 and 247.340 of the Kentucky Revised Statutes shall have the following organization and function in the following manner:

(1) The said federation shall hold an annual meeting at a date to be fixed by its by-laws, which annual meeting may be referred to as the "annual convention" of said federation.

(2) Each county farm bureau a member of said federation shall be entitled to one voting delegate at said convention for the first 50 paid-in memberships received during the year ending prior to said state convention. Each additional 100 paid-in memberships or major portion thereof shall entitle the county farm bureau to an additional voting delegate. No voting delegate shall vote by proxy, unless the proxy is in writing in a form approved by the board of directors of the state federation.

(3) The governing body of said state federation shall consist of a board of directors of not less than seven members. The distribution of said directors shall be by state federation districts, and set forth in the by-laws of the corporation. Each director shall be elected for a term of two years, shall be a resident of the district from which he is elected, must be actively engaged in farming, or evidencing a primary interest therein by reason of his position or occupation, and shall be nominated by the voting delegates of said district and elected by a majority vote of the voting delegates voting either in person or by proxy at said election.

(4) Said state federation by by-laws shall have authority to provide for additional directors representing cooperating agricultural agencies.

(5) The officers of said federation shall consist of a president, a first vice president, and a second vice president, who shall be elected by majority vote cast by the voting delegates at the annual convention, and there shall be an executive officer of the corporation, who shall be elected by the board of directors, and who shall be an ex-officio member of the board, without power to vote.

(6) The board of directors shall select from its membership an executive committee composed of three persons, and said committee shall have general charge of the management of the business of the federation in the interim between meetings of the board of directors and shall possess such powers, duties and responsibilities as may be provided in the by-laws of the federation or by resolution of the board of directors.

Section 7. That Section 247.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every county farm bureau organized pursuant to the Kentucky Revised Statutes shall be eligible to membership in any said state federation, but after its admission to membership, said federation shall have power to suspend its membership or expel it for failure to comply with any by-laws or reasonable rule or regulation of the federation.

(2) Any said state federation shall have authority to:

(a) Adopt, amend and repeal by-laws and amendments thereto by majority vote of the voting delegates voting at an annual convention.

(b) Assess annual membership dues against each county farm bureau, and base the amount thereof on the number of paid-in memberships in each county farm bureau.

(c) Acquire, own and hold property, pursuant to action of its board of directors, or by its executive committee upon authorization or approval of its board of directors.

(d) Borrow money and mortgage or pledge its property or assets by action of its board of directors, or, by its executive committee, upon authorization or approval of its board of directors.

(e) Accept gifts, devises and bequests, appropriate and expend its funds, pursuant to action of its board of directors, or its executive committee, upon authorization or approval by its board of directors, for the advancement of agriculture and allied interests and for any purposes deemed advisable to carry on its activities; and

(f) Do anything necessary to carry out the purpose for which it is organized.

Section 8. Any provision in Sections 247.250, 247.280, 247.330, 247.340, 247.350 and 247.370 of the Kentucky Revised Statutes heretofore in conflict with the aforesaid sections as now amended, are hereby repealed.

Section 9. If any provision of this Act is held to be invalid such invalidity shall not affect any other provision which can be given effect without any said invalid provision.

Mr. Moore moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Consititution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Henry J. Giles	Bart N. Peak
Dr. John Adkins, Jr.	Chas. M. Greene	Louis T. Peniston
Henry Arrowood	Henry C. Hale	Hobart Rayburn
J. Everett Bach	Eugene B. Hancock	Tipton Reed
Sidney Baer	George F. Harris	J. F. Robinson
John Rhea Banton	John Head	Earl Rogers
Clarence J. Barnum	William K. Henry	Joe Rouse
Owen Billington	Thomas D. Hewlett	Carl J. Ruh
Wm. W. Blanton	Henry R. Heyburn	Amos Runyon
J. C. Bradley	E. R. Hilton	Cecil Sanders
Ed. T. Breathitt	Chester J. Holsclaw	Clem Schroader
Edward O. Bridgers	William M. Horn	Gus F. Sheehan, Jr.
Mrs. Mary E. Burnete	Paul S. Jonas	Dr. B. F. Shields
Alex H. Calvert	William L. Jones	John A. Sloan
Walter J. Chyle, Jr.	Jennings Kearby	E. A. Spencer
Lewis W. Combest	James W. Lambert	E. H. (Ted) Stumbo
Marvin A. Cornett	Jesse H. Lawrence	Egbert V. Taylor
R. Josh Cosby	Paul M. Lewis	Albert Thomason
Charles M. Crowe	Mrs. J. T. Linton	William F. Threlkeld
J. C. Denney, Jr.	Harry K. Lowman	Marion Vance
C. E. Dowell	Russell L. Meadows	Eulick (Mike) Walsh
James A. Dressman, Jr.	Tom Mobley	Wm. Thos. Wathen
Thomas R. Duncan	Robert H. Moore	W. W. Webster
R. L. Dunigan	Walter R. Moorman	William B. Wells
Jack Early	Fred H. Morgan	W. A. (Pete) Wickliffe
William Engle	Earl F. Murphy	Charles W. Wirsch
Roscoe Estep	Thomas J. Murphy	Walker H. Wiseman
Herbert Fern	Ewin C. Neville	Garrett L. Withers
Wm. P. Friedlander		—85

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 15. AN ACT changing the classification of the city of Worthington, in Greenup County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Worthington, in Greenup County, is transferred from the sixth to the fifth class of cities.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Lewis W. Combest	Herbert Fern
Henry Arrowood	Marvin A. Cornett	Wm. P. Friedlander
J. Everett Bach	R. Josh Cosby	Leslie Gay
Sidney Baer	Charles M. Crowe	Henry J. Giles
John Rhea Banton	J. C. Denney, Jr.	Chas. M. Greene
Clarence J. Barnum	C. E. Dowell	George F. Harris
Owen Billington	James A. Dressman, Jr.	Farmer Helton
J. C. Bradley	Thomas R. Duncan	William K. Henry
Edward O. Bridgers	R. L. Dunigan	Thomas D. Hewlett
Mrs. Mary E. Burnete	Jack Early	Henry R. Heyburn
Alex H. Calvert	William Engle	E. R. Hilton
Walter J. Chyle, Jr.	Roscoe Estep	Chester J. Holsclaw

Paul S. Jonas	Earl F. Murphy	E. A. Spencer
William L. Jones	Thomas J. Murphy	Mrs. Thelma Stovall
Jennings Kearby	Ewin C. Neville	E. H. (Ted) Stumbo
James W. Lambert	Bart N. Peak	Egbert V. Taylor
Jesse H. Lawrence	Louis T. Peniston	Albert Thomason
Paul M. Lewis	Tipton Reed	Marion Vance
Mrs. J. T. Linton	Earl Rogers	Eulick (Mike) Walsh
Harry K. Lowman	Amos Runyon	Wm. Thos. Wathen
Russell L. Meadows	Cecil Sanders	W. W. Webster
Tom Mobley	Clem Schroader	William B. Wells
Robert H. Moore	Gus F. Sheehan, Jr.	Charles W. Wirsch
Walter R. Moorman	Dr. B. F. Shields	Walker H. Wiseman
Fred H. Morgan	John A. Sloan	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 82. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The word "witness" as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

The word "state" shall include any territory of the United States and District of Columbia.

The word "summons" shall include a subpoena, order or other notice requiring the appearance of a witness.

Section 2. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence (and of any other state through which the witness may be required to pass by ordinary course of travel), will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that

such witness be forthwith brought before him for said hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state.

If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars for each day, that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Section 3. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is summoned to attend and testify in this state he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period

of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Section 4. If a person comes into this state in obedience to a summons directing him to attend and testify in this state he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

Section 5. This act may be cited as "Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings."

Mr. Baer of the Committee on Criminal Law, offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of H. B. No. 82 on page 4, section 3, line 22. On line 22 after the word "witness" insert a comma instead of a period and add the following:

"same to be paid in manner that other witnesses are paid by the Commonwealth of Kentucky."

Said motion was agreed to.

Said amendment was adopted.

Mr. Baer moved the Previous Question.

Whereupon, the Speaker announced, shall the Main Question be now put?"

Ordered that said bill be ingrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	C. E. Dowell	Jennings Kearby
Dr. John Adkins, Jr.	R. L. Dunigan	James W. Lambert
Henry Arrowood	Jack Early	Jesse H. Lawrence
Sidney Baer	William Engle	Robert H. Moore
John Rhea Banton	Roscoe Estep	Walter R. Moorman
Clarence J. Barnum	Herbert Fern	Earl F. Murphy
Owen Billington	Leslie Gay	Thomas J. Murphy
Wm. W. Blanton	Henry J. Giles	Ewin C. Neville
J. C. Bradley	Chas. M. Greene	Bart N. Peak
Ed. T. Breathitt	Eugene B. Hancock	Louis T. Peniston
Edward O. Bridgers	George F. Harris	Tipton Reed
Thomas L. Britton	Farmer Helton	J. F. Robinson
Mrs. Mary E. Burnete	William K. Henry	Earl Rogers
Walter J. Chyle, Jr.	Thomas D. Hewlett	Joe Rouse
Lewis W. Combest	Henry R. Heyburn	Cecil Sanders
Marvin A. Cornett	E. R. Hilton	Clem Schroader
R. Josh Cosby	Chester J. Holsclaw	Dr. B. F. Shields
Charles M. Crowe	William M. Horn	John A. Sloan
J. C. Denney, Jr.	William L. Jones	E. A. Spencer

Mrs. Thelma Stovall	Marion Vance	Charles W. Wirsch
Egbert V. Taylor	Eulick (Mike) Walsh	Walker H. Wiseman
Albert Thomason	Wm. Thos. Wathen	Garrett L. Withers
William F. Threlkeld	W. W. Webster	—68

Those who voted in the negative were—

James A. Dressman, Jr.	Amos Runyon	W. A. (Pete) Wickliffe
		—3

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Lowman then introduced Ambassador and Madam Henri Bonnet of France, he being the French Ambassador to the United States. Ambassador Bonnet then addressed the members of the House.

Mr. Lowman then introduced Mr. Barry Bingham and Mr. Bill Laniham, who accompanied Ambassador and Madam Bonnet, and aske that they be given the privileges of the floor.

Mr. Meadows moved that the rules of the House be suspended for the purpose of making a motion.

Said motion was disagreed to.

REFERAL OF BILLS

House Bill 222—Courts & Legal Procedures
House Bill 223—Kentucky Statutes No. 2
House Bill 224—Kentucky Statutes No. 2

House Bill 225—State Fair

House Bill 226—Kentucky Statutes No. 2

House Bill 227—Kentucky Statutes No. 2

House Bill 228—Kentucky Statutes No. 2

House Bill 229—Kentucky Statutes No. 2

House Bill 230—Kentucky Statutes No. 2

House Bill 231—Education

House Bill 232—Kentucky Statutes No. 2

House Bill 233—Education

House Bill 234—Ways & Means

House Bill 235—Ways & Means

House Bill 236—Courts & Legal Procedures

House Bill 237—Cities of the Fifth Class

House Bill 238—Public Health

House Bill 239—Cities of the Second Class

House Bill 240—Education

House Bill 241—Public Utilities

House Bill 242—Kentucky Statutes No. 2

House Bill 243—Kentucky Statutes No. 2

House Bill 244—Kentucky Statutes No. 2

House Bill 245—Revenue & Taxation

House Bill 246—Kentucky Statutes No. 2

House Bill 247—Judiciary & Judicial Council

House Bill 248—Higher Education

House Bill 249—Kentucky Statutes No. 2

House Bill 250—Ways & Means

House Bill 251—Ways & Means

House Bill 252—Public Health

House Resolution 26—Kentucky Statutes No. 2

Senate Bill 41—Cities of the First Class

House Bill 121—Courts & Legal Procedures

House Resolution 4—Kentucky Statutes No. 2

Mr. Lowman moved that the House do now adjourn until 1:00 o'clock p.m., Thursday, February 7, 1952.

Said motion was agreed to.

And then the House adjourned.